

The following Order issued by the Government of India, in the Home Department, is republished for general information:—

No. 708.—*Fort William, the 10th February 1872.—Notification.—Public.—Mr. G. L. T. Harris, of the Bengal Civil Service, having produced the necessary medical certificate, has been granted by Her Majesty's Secretary of State for India an extension of leave for six months.*

The following Orders issued by the Government of India, in the Financial Department, are republished for general information:—

#### LEAVE AND ALLOWANCES.

*The 16th February 1872.*

No. 1061.—The Acting Governor General in Council is pleased to direct the publication of the following papers. Orders in conformity therewith will shortly issue:—

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 4, dated the 7th January 1868.*

In continuation of our despatch No. 276 of 1867, dated the 21st ultimo, we have the honor to forward herewith the second report of the Committee appointed by us to examine the Leave Rules as they apply to all branches of the service, and to propose such alterations as might seem to them just and proper. This report refers to the Leave Rules of the Chaplains and the Members of the Uncovenanted Service, and with it the labors of the Committee conclude.

2. You will observe that the changes proposed for the Uncovenanted Service have been based upon the principle of assimilating their rules, as nearly as possible, to those proposed for the Covenanted Civil Service.

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5. In our despatch No. 276 of 1867, we so fully entered into the general reasons which, in our opinion, render the alteration of the Leave Rules in all branches of the service eminently desirable, that we consider it unnecessary now to do more than solicit attention to the arguments by which our recommendations were then supported. Those arguments apply as much to the members of the Uncovenanted Service \*\* as to the Civil and Military Services. It would, we consider, be in the highest degree impolitic to confer the boon on one class and to withhold it from the other. It is on this account that we have prepared, and that we recommend to your favorable consideration, rules for all branches, based upon principles which are uniform, and which in their application will benefit all alike. We confidently believe that the State itself will not be the least gainer from a measure which will so greatly add to the contentment of its servants.

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 221, dated the 15th May 1868.*

I have considered very carefully in Council the Furlough Rules for members of the Uncovenanted Service, transmitted with your financial letter dated the 7th January 1868, No. 4.

2. You are already aware of the views of Her Majesty's Government as to the policy to be adopted in admitting the natives of India to higher posts under Government, and the Uncovenanted Service evidently offers the most ready access to them. I am of opinion therefore that any rules which may be adopted for leave of absence and furlough to Uncovenanted Servants, should be framed with general reference to this consideration.

3. The principle which I consider should guide you is, that there should not be different rules of leave of absence for persons of different nationalities holding similar offices, but that the rules of each class of appointments should be uniform.

4. Different rules may, however, be properly adopted for different branches of the Uncovenanted Service. There are some classes of appointments the holders of which are in a position very nearly analogous to that of the Covenanted Civilian, and for which special arrangements should be made. Such, for instance, may be some of the appointments in the Engineering and in the Educational Service.

5. Generally speaking, I am of opinion that the rules for those branches of the service to which it is possible to appoint a considerable proportion of natives, should be framed with a view to the circumstances of natives rather than of Europeans. The observance of this principle will render it necessary carefully to restrict the cases in which long absences can be permitted with retention of appointment.

6. The limitations with reference to duration and repetition of absence, and to proportions of salary to be drawn by absentees, prescribed for the Covenanted Civil Service, must not be exceeded; and no period of absence, to an Uncovenanted Servant, with the exception of preparatory and privilege leave, should count as service for pension.

7. Subject to these observations, I desire to leave the framing of such rules as you may consider expedient to your Excellency's Government.

*Order of the Government of India in the Financial Department,—No. 647, dated the 29th June 1868.*

ORDERED, that with reference to their letter No. 2, dated 4th January 1868, a copy of the above be sent to the Furlough Committee, with the request that the proposed Furlough Rules for Uncovenanted Servants may be reconsidered, and a report thereon submitted with reference to the views expressed by the Right Hon'ble the Secretary of State.

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 220, dated the 28th August 1868.*

We have the honor to acknowledge the receipt of your despatch No. 221, dated the 15th May last, on the subject of the Furlough Rules for the members of the Uncovenanted Service. We referred the despatch to the Furlough Committee, among whom there arose considerable difference of opinion as to the method in which your instructions could best be carried out.

2. The principle laid down in the 3rd paragraph of your despatch—"that there should not be different rules of leave of absence for persons of different nationalities holding similar offices"—seems to us unexceptionable. But it was argued that, in carrying out your suggestion in paragraph 4, for making different rules for different branches of the service, anomalies will arise in practice, which would be extremely inconvenient.

3. Supposing, for instance, it were determined to make rules for the Educational Department adapted to the requirements of Europeans, who at present fill the majority of posts in that Department, it would be necessary to provide for comparatively long periods of leave to enable such officers to proceed to England. But in this Department there are many natives, and, as education progresses, their number will increase, as indeed is indicated in the 2nd paragraph of your despatch. It is unnecessary to provide that long periods of leave shall ordinarily be granted to natives, for such periods could only be required with the object of enabling them to proceed to Europe. It would be inexpedient to allow a native to proceed to his own home, perhaps in the vicinity of his office, and remain there for, say two years. At the same time we think it highly desirable that facilities should be given to natives for visiting Europe when they wish to do so.

4. On the other hand, in Departments chiefly filled by natives, there are at present a large number of European and Eurasian officers. Were the rules drawn out to meet only the leave requirements of natives, these officers would not be allowed the opportunity of going to England. If it be the policy of Government to limit the number of Europeans and Eurasians from service in these Departments, that policy can best be carried out by the direct action of Government in making appointments, and it does not seem right to have recourse to the indirect pressure of unfavorable leave rules.

5. Agreeing with a majority of the Committee we would propose to extend the principle inculcated in paragraph 3 of your despatch, and in drawing out the rules, make no difference for Natives, Eurasians, and Europeans in whatever Department they may be employed.

6. By a simple plan, we can arrange the rules, so that persons who do not require to leave India shall obtain shorter periods of leave than those who wish to visit England, while all, whether Europeans, Eurasians or Natives, who wish to proceed to Europe, will have the opportunity of doing so.

7. This is effected by prescribing that only half the whole period of furlough claimable under the rules shall be spent in India, and that the periods in which furlough is taken in India shall be half those in which furlough is taken out of India.

8. On this plan, we have caused to be drawn out the accompanying draft rules for your approval. They are mainly based on the rules for the Covenanted Civil Service.

9. If, however, an Uncovenanted officer by taking leave were to lose his appointment as is provided in certain cases for the Covenanted Civil Service, he would, under the standing rules, forfeit all his past service for pension, and might find some difficulty in getting a new post. We have therefore provided that no leave under the rules shall involve forfeiture of

appointment. In view of this advantage to the Uncovenanted Service, we have made a few modifications in the Rules for Furlough. We have abolished the distinction between long and short furlough, which obtains in the rules for the Covenanted Civil Service, and have provided that furlough can in no case be repeated, except under medical certificate, or on urgent private affairs, until after intervals of three years.

10. We have made the special leave on urgent private affairs a part of the furlough, instead of being in excess of it.

11. There is no scale of subsistence allowance for Uncovenanted Servants out of employ. We have therefore provided that when the furlough of such servants is under medical certificate, extended beyond two years, or taken before the lapse of three years from previous furlough, or before furlough is at credit, the furlough allowances shall be reduced one-half with a maximum of Rs. 400 per mensem, which is the maximum subsistence allowance for Covenanted Civil Servants. We believe this will be found to provide a scale as nearly as possible analogous to the subsistence allowance under similar circumstances of the Covenanted Service.

12. If these rules meet with your approval, we request that you will inform us by telegraph.

13. We shall address you separately regarding a limited class of offices held by barristers in connection with the subject of leave of absence for High Court Judges.

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 504, dated the 8th December 1868.*

I have given full consideration in Council to your despatch No. 220 (financial) of the 28th August, on the subject of the Furlough Rules for the Uncovenanted Service.

2. In my despatch of the 15th May on this subject, I conveyed to you my desire that, in order to give full effect to the policy of reserving the Uncovenanted Service as far as possible to the natives of India, the Furlough Rules for that service should be framed with a view to the circumstances of natives rather than of Europeans. I desired that the rules for each class of appointments should be uniform, and should not vary according to the nationality of the persons to whom they might be applied. Considering, however, that there are some classes of appointments for which it would be desirable to establish Furlough Rules analogous to those adopted for the Covenanted Service (which are framed with a view to the circumstances of Europeans rather than of natives), I suggested that different rules might be adopted for different branches of the service.

3. In the despatch under reply, you state that to adopt this suggestion would lead to very inconvenient anomalies which, however, are not described. It is, in my opinion, of the utmost importance to good government to prevent the springing up of an Uncovenanted Service in which all the higher appointments shall be appropriated to Englishmen, such as the rules now submitted to me, which principally keep English interests in view, have clearly a tendency to encourage.

4. I must therefore adhere to my opinion that the Furlough Rules should be framed with a view to the circumstances of natives rather than of Europeans; and I must decline to confirm the rules which you have submitted, because in my judgment they do not fulfil this condition. The rules are so drawn as to give to Europeans the most liberal terms of furlough,—terms which are in some respects proportionately more liberal even than those given to the members of the Covenanted Service,—subject to a restriction which will be, and is meant to be, inoperative as against Europeans, and operative only as against natives. I consider that the imposition of this restriction is, in spirit if not in the letter, inconsistent with the principle laid down in my former despatch, "that there should not be different rules of leave of absence for persons of different nationalities holding similar offices;" and I must withhold my assent from the distinction.

5. With reference to my observation that the terms you propose are proportionately more liberal than those granted to the Covenanted Service, I must draw your attention to the fact that you have fixed the same maximum £1,200 a year for the furlough allowance for both services. In the case of the Covenanted Service, this limitation will affect a considerable number of officers; in the case of the Uncovenanted, it will, on account of the inferiority of the salaries, be practically inoperative, while the difference which exists between the amount of retiring allowance or annuity in the one and in the other service tends to aggravate the

objection to the arrangement, since it obviously makes it more desirable for the worn-out Uncovenanted Servant than for the Covenanted Civilian to come home or furlough instead of retiring from the service.

6. I regret, therefore, that I feel myself under the necessity of returning these rules to you and of requesting you to revise them in conformity with my despatch of the 15th May and the present despatch.

*Order of the Government of India in the Financial Department,—No. 703, dated the 30th January 1869.*

ORDERED, that a copy of the above despatch be forwarded to the Furlough Committee, with the request that they will either submit revised rules framed in precise accordance with the orders of the Secretary of State, or state in detail the reasons for their inability to do so, or for preferring the rules they have already proposed.

*Letter from the Uncovenanted Service Furlough Committee, to the Secretary to the Government of India, in the Financial Department,—dated the 15th March 1869.*

In accordance with the instructions conveyed in your communication No. 703, dated the 30th January 1869, forwarding a copy of the Secretary of State's financial despatch No. 504, dated the 8th December 1868, we have carefully reconsidered the question of the Uncovenanted Service Leave Rules.

2. The Right Hon'ble the Secretary of State having on various grounds rejected the rules which our Committee had prepared in August last, requests that they may be revised in conformity with the despatch of the 15th May last and with the present despatch.

3. In the despatch of the 15th May, it was desired that any rules which may be adopted should be framed with reference to the consideration of the policy of Her Majesty's Government as to the admission of the natives of India to higher posts under Government, and the circumstance that the Uncovenanted Service evidently offers the most ready access to them. The rules for those branches of the service to which it is possible to appoint a considerable proportion of natives, were to be framed with a view to the circumstances of natives rather than Europeans. While desiring that there should not be different rules for persons of different nationalities holding similar offices, but that the rules for each class of appointments should be uniform, the Secretary of State observed that different rules might be properly adopted for different branches of the Uncovenanted Service. Some of the appointments in the Engineering and in the Educational Service were instanced as those for which special arrangements might be made, on the ground that the holders are in a position very nearly analogous to that of Covenanted Civilians. Lastly, it was desired that the limitations as to duration and repetition of leave, and proportion of salary to be drawn during leave, should not exceed those prescribed for the Covenanted Civil Service.

4. With these instructions before them, our Committee, last August, could not come to an agreement as to what were the classes of appointments for which special arrangements should be made. On examination, these classes appeared very numerous, and it was found difficult to draw a definite line between appointments the holders of which are in a position very nearly analogous to that of Covenanted Civilians and other appointments.

5. It seemed to us that the necessity for different rules for different classes of appointments arose from the fact that in some classes the great majority of holders required comparatively long periods of leave in order to visit their homes, owing to the length and expense of the voyage to Europe; and that in others the majority of the holders did not require long periods of leave, as they would not leave India. Different rules might easily be framed to suit the majority in each of these categories, but these rules would be quite unsuitable to the minority. In the first category would be some officers who would never wish to leave India, yet they would find themselves entitled to long periods of leave, merely on the ground that the majority of their fellows wished to spend their leave out of India; in the second category would be found some who could practically never visit their homes in Europe, merely because the homes of the majority of their fellow officers were in India. Influenced by these considerations, we drafted rules which allowed longer leave out of India than in India, as we saw no other practical way out of the difficulty.

6. The same difficulties again present themselves to us, but we think it right to do the best we can to follow the instructions now conveyed to us.

7. In the margin of the annexed rules is a list of those classes of appointments for which we are of opinion that special arrangements are necessary. The great majority—in fact nearly all—of the holders of these appointments are, and *must* for a very long time to come be, English gentlemen of an education and social status which necessitates their recruitment

from the same classes as furnish the members of the Civil Service, and who require as liberal leave as is granted to the members of that service. A great number of these appointments have been created within the last few years, and it is most probable that others will come into existence from time to time. It will be necessary when new offices are made for the Government to state to what leave rules they will be subject.

8. For the classes in the list we recommend the annexed rules which are founded on those of the Covenanted Civil Service.

9. For all other classes of the Uncovenanted Service, we think the Leave Rules of 1863, as at present in force, will suffice, with an alteration in regard to the absentee allowances.

10. The Right Hon'ble the Secretary of State, in the 4th paragraph of his despatch of the 8th December, has observed that the terms for furlough proposed by us "are in some respects proportionately more liberal even than those given to the members of the Covenanted Service," and in the next paragraph he has explained that his observation is founded partly on the fact that the limitation of the maximum furlough allowance to £1,200 per annum will be practically inoperative. We have given our best consideration to this objection, and we beg respectfully to represent that we do not see how we can alter the proposal without injustice to the Uncovenanted Service. The rule for the Covenanted Service is, that all officers whose average salary for three years prior to furlough did not exceed Rs. 2,000 per mensem, receive while on furlough half that salary, while those officers whose average salary for the said three years did exceed Rs. 2,000 per mensem, receive a furlough allowance of £1,200 per annum.

11. We proposed precisely the same rule for the Uncovenanted Service. The fact that, as compared to the Covenanted Civil Service, there are in the Uncovenanted Service proportionately more officers whose salaries are less than Rs. 2,000 per mensem, does not seem to us to affect the justice of the rule. On the other hand, any alteration of the rule would affect the very class of Uncovenanted officers who are most deserving of indulgent consideration. It was one of the instructions originally communicated to the Committee, that officers serving together, to whatever service they may belong, should be placed upon an equality as regards leave and allowances while on leave. It was considered as evidently unfair, as well as in some respects inconvenient to the public service, that officers who when actually present at their duty performed precisely similar duties and received exactly the same salaries, should while on leave be very differently treated. Thus, for example, it seems to us that if an Uncovenanted officer should attain (as is very probable at the present moment) a Commissionership in the Non-Regulation Provinces, he ought to receive the same emoluments while on leave which are allowed to Commissioners who may belong to the Military or to the Covenanted Civil Service. If his allowances were limited to the amount prescribed under present rules, he would draw less than any other officer in the Commission above the rank of an Assistant Commissioner of the lowest grade, and would lose one main advantage of the promotion conferred upon him. The same thing may happen in the Public Works Department, in which Uncovenanted Engineers already hold appointments in the grade of Superintending Engineers, and may not improbably be still further advanced. We cannot but think that Uncovenanted officers who have won their way to positions of such importance are, so long as they are in the service, entitled to expect the same advantages as are allowed to other officers performing the same duties.

12. The Secretary of State further observes that the great difference between the retiring allowances of Uncovenanted officers and the allowances proposed for them while on leave, make it obviously more desirable for the worn-out Uncovenanted servant than for the Covenanted Civilian to take furlough instead of at once retiring from the service. But we would respectfully remark that even the Covenanted Civil Service furlough allowances are frequently better than their retiring allowances, and the case of Military officers is still stronger. Instances may easily arise of Military officers entitled to retire on no higher pension than that of a Captain or of a Major, who may yet claim to proceed on leave on the maximum absentee allowances. Moreover, the Secretary of State's objection applies only to Uncovenanted officers holding exceptionally high appointments; as a matter of fact, very few such officers would be in a position to take leave on allowances much in excess of any pension to which they may be entitled, and the probability of abuse may therefore be considered as reduced to a minimum.

13. On these grounds, we beg, with all respect, to adhere to our recommendation that the same rule for furlough allowances shall apply to all branches of the Uncovenanted Service that now applies to the Covenanted Civil Service.

\* A copy is enclosed. A few modifications have been made in the rules originally proposed.

14. We would also urge that the rules\* prepared by us in August last are still, in our opinion, the best that can be devised to meet the peculiar difficulties of the case.

*Proposed Rules for Leave of Absence to Officers in the Uncovenanted Civil Service holding certain classes of appointments.*

- I.—All officers holding appointments of the classes usually held by Covenanted Civil Servants, or by Commissioned Military Officers.
- II.—**FINANCIAL DEPARTMENT.**—Officers of the 6th grade, and upwards.
- Sub-Deputy Opium Agents.
- Commissioner, Deputy Commissioner, and Collectors of Land Customs (North-Western Provinces).
- Deputy and Assistant Commissioners of Sea Customs.
- Residency Postmasters and Chief Inspectors, and upwards.
- III.—**PUBLIC WORKS DEPARTMENT.**—Assistant Engineers of the 3rd grade, and upwards.
- Assistant Controllers of Accounts, and upwards.
- Assistant Conservators of Forests, and upwards.
- IV.—**HOME DEPARTMENT.**—Director of Public Instruction and all officers of the graded lists of the Educational Department.
- Officers of the Settlement Department above the rank of Deputy Collectors or Extra Assistant Commissioners.
- Officers of Police of the rank of District Superintendents, and upwards.
- Officers of the Trigonometrical, Topographical, or Revenue Surveys of the grade of Assistant Surveyor, and upwards.
- Uncovenanted Medical Officers as graded in the Notification of the Financial Department, No. 2295, dated 25th April 1867.
- Officers in the graded list of the Geological Survey.
- Such of the following officers as may not be, and until they are declared, entitled to leave under the High Court Leave Rules, viz.—
- Judges of the Chief Court, Punjab.
- Secretary to the Council of the Governor General for making Laws and Regulations.
- Recorders of Rangoon and Moulmein.
- Judges and Registrars of the Presidency Town Small Cause Courts.
- Magistrates of Police in Presidency Towns.
- Civil Judge, Oude.
- Registrars of High Courts.
- Registrars General of Assurances.
- Clerks of the Crown.
- V.—**FOREIGN DEPARTMENT.**—Officers of the Telegraph Department of the rank of Assistant Superintendent, and upwards.
- Assistant Political Agents.
- VI.—**SPECIAL APPOINTMENTS**—Assistant Secretaries to Government.
- Master Attendants.
- Deputy and Assistant Master Attendants.
- Superintendent of Government Printing.

*Definitions.*

I.—In the following rules, “Actual Service” includes the period during which an officer is on duty in any appointment belonging to the classes above specified, also periods spent on privilege and subsidiary leave.

“Extraordinary Leave” means any leave granted otherwise than under these rules.

“Salary” includes acting allowances.

An officer’s “Station” means that station to which he stands appointed, or such other place as the Government may determine.

CHAPTER I.

*Furlough.*

II.—Furlough shall be placed at the credit of each officer at the rate of one-fourth of his actual service.

III.—Except under rules VIII and IX, no furlough shall be granted unless at credit under rule II, or before the completion of eight years’ actual service.

IV.—Except under rules VIII (b) and IX, furlough shall not be repeated until the completion of three years’ actual service from the date of the last return from furlough or extraordinary leave.

V.—The maximum term of furlough to be taken at any one time shall be two years.

VI.—Except under rule VIII (b) and (c), an officer when on furlough shall be granted allowances at the rate of 50 per cent. of his average salary for the previous three years.

In calculating such average, the time spent, and the allowances drawn under any leave or absence from duty, excepting privilege leave under chapter II, shall be omitted.

Provided that no officer on furlough shall draw more than £1,200 per annum.

VII.—Subject to the above conditions, and to the conditions in rules X and XIII, furlough may be granted when at credit under rule II.

VIII.—Under medical certificate—

(a).—Furlough may be granted on the above-mentioned conditions, without reference to the amount at credit under rule II.

(b).—When less than three years have elapsed since the last return from furlough or extraordinary leave, or since the commencement of service, furlough may be granted for a period not exceeding one year. When on furlough under this clause, an officer shall be entitled to only one-half the allowances mentioned in rule VI, subject to a maximum of Rs. 400 per mensem, or £480 per annum. Provided that, if he has completed six months’ actual service since his last return from furlough or extraordinary leave, or since the commencement of his service, as the case may be, the officer shall draw the full allowances mentioned under rule VI, until the leave at his credit, if any, be exhausted, but in no case for a period exceeding one year. Leave under this clause shall not be repeated within three years.

Under the sanction of the Right Hon’ble the Secretary of State, the Governor General in Council is pleased to promulgate the following rules regarding leave of absence to officers of the Uncovenanted Civil Service holding appointments in the classes noted in the margin, in supersession of all previous rules and orders on the subject.

The rules will take effect from the

(c).—Furlough taken under rule VII, or under clause (a) of this rule, may be extended beyond two years for a period not exceeding one year. During the extension of leave under this clause, the rate of allowances shall be reduced by one-half, and be subject to a maximum of Rs. 400 per mensem, or £480 per annum.

IX.—For urgent private affairs, if furlough is not available under the above rules, it may nevertheless be granted for a period not exceeding six months on the allowances mentioned in rule VI. Furlough under this rule may be repeated, but without allowances, at intervals of not less than six years of actual service.

X.—The aggregate amount of all furlough which can be granted to an officer during the whole period of his service shall not exceed six years, exclusive of furlough without allowances under rule IX.

XI.—Furlough taken in India shall be reckoned from the date of the officer quitting his station to the date of his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

In the event of the furlough being taken partly in India and partly out of India, the commencement and termination of the furlough shall be respectively determined by the above rules, according as the furlough begins or ends in or out of India.

XII.—For the interval elapsing between departure from his station and the commencement of furlough out of India, and between the termination of furlough out of India and the re-arrival at his station, an officer may be allowed subsidiary leave not ordinarily exceeding in each case thirty days, which in special cases may be extended. During such subsidiary leave his allowances shall be the same as during the period of furlough which the said leave immediately precedes or follows.

If an officer granted furlough out of India shall not have embarked by the date on which his subsidiary leave with extensions expires, his furlough shall be reckoned from that date, unless before his embarkation more than thirty days have elapsed from that date, in which case the furlough shall be reckoned to have commenced from the beginning of his subsidiary leave.

XIII.—Except under medical certificate, the number of furloughs to be granted at any one time, and the grant of furloughs to individual officers, shall be subject to, and be limited by, the exigencies of the service, of which exigencies the authority granting the furlough shall be exclusively the judge.

## CHAPTER II.

### *Privilege Leave.*

XIV.—Subject to the exigencies of the service, an officer who has completed eleven months' continuous duty may be granted privilege leave for one month without deduction from his salary, retaining a lien on his appointment, whether substantive or officiating. Provided that, in the case of an officiating appointment, such lien and the acting allowance shall cease on the assumption of charge by the officer holding the substantive appointment.

XV.—In the same manner and under the same conditions, an additional month of privilege leave shall be held to accrue to an officer after each further period of eleven months' continuous duty.

XVI.—Privilege leave, whether of one month or accumulated, may, at the discretion of the Government, be taken in separate instalments. No second instalment shall be taken until after the completion of six months' continuous duty from the expiry of the first instalment. In this case the eleven months qualifying for fresh privilege leave shall be reckoned from the expiry of the first instalment, the period of the second instalment being omitted from the calculation.

Privilege leave of one month or accumulated shall not be taken in more than two instalments; but if any balance remains untaken when additional privilege leave accrues, such balance shall be added to the new leave, and the whole shall be reckoned accumulated privilege leave.

Provided that the whole privilege leave taken at any one time shall not exceed three months, and that any accumulation of privilege leave beyond that period shall be forfeited.

## CHAPTER III.

### *General.*

XVII.—Furlough and privilege leave shall not be taken as such in continuation of each other; but if an officer absent on one of these classes of leave be allowed to change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

XVIII.—Applications for leave, or for extension of leave, shall in all cases be submitted in such manner as the Government may from time to time prescribe.

XIX.—Leave allowance shall be payable monthly, if payment is taken in India, and quarterly, if payment is taken in England. To secure the return of officers to duty after the expiry of their leave, the Government may prescribe the conditions under which the leave allowances shall be payable.

XX.—No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

**XXI.**—If an officer shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent; and if he shall so continue absent for more than one week, his office shall, at the discretion of the Government, be liable to become vacant.

**XXII.**—Furlough, and all leave on private affairs or under medical certificate, taken under previous rules, shall be reckoned as furlough taken under these rules.

**XXIII.**—If any officer appointed to a class subjected to these rules has immediately previous to his appointment served in any other branch of the Uncovenanted Service, he shall, on being so appointed, be credited with furlough at the rate of one-eighth of his previous actual service, and be debited with the amount of furlough and leave on private affairs or medical certificate which he may have already taken.

*Proposed amendment of paragraph 20 of the Rules for Absentee Pay, published in accordance with a despatch from the Secretary of State, No. 205, dated the 8th December 1862.*

20. Absentee pay shall be calculated on the average salary for the three years previous to the leave being granted, and shall not exceed Rs. 12,000 or £1,200 per annum if at half salary, or Rs. 4,800 or £480 if at one-fourth salary. Within these limitations, absentee pay will be given as follows:—

I and II (as at present).

III.—To an officer proceeding on furlough, one-half of his salary.

IV and V (as at present).

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 74, dated the 23rd March 1869.*

On receipt of Sir Stafford Northcote's financial despatch No. 504, dated the 8th December 1868, on the subject of the proposed Leave Rules for the Uncovenanted Service, we desired the Furlough Committee to take that despatch into their consideration, and to prepare revised rules framed in precise accordance with the instructions therein contained, or to state in detail their reasons for their inability to do so.

2. We have now the honor to forward copy of the report of the Committee, with its enclosures. It will be seen that the Committee have endeavoured to carry out their instructions to the best of their power. They have prepared a set of rules which they propose shall be applicable to the holders of certain specified offices, who, they say, "are, and must for a very long time to come be, English gentlemen of education and social status which necessitates their recruitment from the same classes as furnish the members of that service, and who require as liberal leave as is granted to the members of that service." For all other classes of the Uncovenanted Service, they think the rules as at present in force, with a modification as to the leave allowances, will suffice.

3. At the same time the Committee point out the objections to having two different sets of rules for different classes of the service. These objections go to show that though the rules may suit the majority, yet there will be persons who, under one set of rules, will get more leave than is necessary for them, and under the other less leave than they might fairly claim.

We have carefully considered the arguments adduced, and we are of opinion that the views of the Committee are correct. The existence of two sets of rules for the Uncovenanted Service will of itself lead to difficulties. Officers frequently rise from one class of appointment to another. The result would be that the leave rules applicable to them would be changed in the course of their service. As pointed out by the Committee, it will be necessary for the Government, in creating new offices, to declare under what Leave Rules these offices should be regulated. If such officers are excluded from the more favorable rules, discontent and discussion will arise. On these grounds, we would respectfully urge that the Leave Rules previously prepared by the Committee, as now modified by them, may be sanctioned, in preference to those annexed to their report. Your Grace may be assured that we shall take care not to lose sight of the policy of employing the natives of India in all such posts as they are, or shall be capable of filling, but we think, nevertheless, that it would be inconvenient to embody in the Leave Rules restrictions intended to discourage the appointment of Europeans.

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 84, dated the 10th March 1870.*

I have considered in Council your financial letters dated the 23rd March and 7th June last, Nos. 74 and 133, and the papers forwarded therewith, relative to the proposed alterations in the Uncovenanted Service Absentee Rules.

2. I am not insensible to the objections that may be offered to the introduction of two sets of rules for Uncovenanted Servants whose services were obtained in India; but, after full consideration of the subject, I am not aware of any better mode of meeting at present the difficulties of the case.

3. As the offices filled by the general body of European Uncovenanted Servants, who are not appointed from this country, are open to, and will be filled in a greater proportion every year by, natives of India, the rules regulating furloughs should be framed to meet the

circumstances of native officers. I see no reason to doubt that the existing Uncovenanted Absentee Rules, with the alterations you have suggested, are fully sufficient for that purpose.

4. In the revised rules, as prepared by the Committee, a long list of highly paid appointments is placed in the margin, as to which it is stated that the great "majority,—in fact, nearly all,—of the holders of these appointments are, and must for a long time to come be, English gentlemen of an education and social status which necessitates their recruitment from the same classes as furnish the members of the Civil Service." But I am desirous that appointments such as these should hereafter, as far as practicable, be filled by Covenanted Civil Servants, and that your future indentures for Civilians should be raised accordingly.

5. Exceptional cases will, however, still exist, such as Educational officers, who must be selected in and appointed from this country on account of special qualifications, and it appears to be right that the Furlough Rules for them should be similar generally to those framed for the Covenanted Civil Service.

6. I therefore assent to the rules now framed by the Committee in India, with the following modifications:—

In the first set of rules,—those proposed for holders of offices now held by English gentlemen, I desire that the maximum allowance on furlough be reduced to £800 per annum, and that they be declared applicable from this date only to officers of the Education Department appointed from England, and to such others of those now actually in the service as you may think fit to include in a nominal list for that purpose to be submitted for my approval.

In the second set of rules proposed "for all other classes of the Uncovenanted Service," I desire that the maximum allowance be reduced to £600 per annum. These rules will, for the present, apply to all Uncovenanted Servants not entitled to the benefit of the first set of rules, and hereafter to all Uncovenanted Servants who may not have been appointed from England.

7. The principle which Her Majesty's Government have steadily kept in view throughout the discussion on these Furlough Rules is, that the Uncovenanted Service should be principally reserved for the natives of the country, and that superior appointments, which require English training and experience, should be made, as heretofore, from England, and they look with great disfavor on the system which appears to be growing up in India of appointing Englishmen in India to situations that ought only, as a rule, to be filled by Civilians who have gained their position by open competition. I trust that the views I have now expressed will put a stop to the above practice.

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 227, dated the 4th October 1870.*

We have the honor to acknowledge your Grace's despatch No. 84, dated 18th March 1870, upon the subject of the proposed alterations in the Uncovenanted Service Absentee Rules.

2. Your Grace is pleased to assent to the rules which we have proposed for holders of offices now, for the most part, filled by English gentlemen, with the modification that the maximum allowance on furlough be reduced to £800 per annum, and that the rules be applied only to officers of the Education Department appointed from England, and to such others of those now actually in the service as we may think fit to include in a nominal list to be submitted for your approval.

3. We infer from the concluding sentence of the 6th paragraph of the despatch that your Grace is willing that the same rules should apply, *hereafter*, to all Uncovenanted Servants who may be appointed from England, although it is difficult to reconcile with this concession the limitation of the *present* operation of the rules prescribed in the earlier clause of the paragraph to "officers of the Education Department" so appointed.

4. In respect to all other Uncovenanted Servants, your Grace assents to the second set of rules proposed by our Government, which are, in fact, the existing rules slightly modified.

5. We fully accept the principles upon which the orders of Her Majesty's Government are based, *viz.*, that, on the one hand, all offices to which it is desirable to appoint persons not natives of India, should be, as far as practicable, filled from the ranks of the Covenanted Civil Service, or from the Staff Corps; and that, on the other hand, so far as may be possible, and consistent with the requirements of the public service, all offices other than those reserved for the Covenanted Civil Service, and those for which, as explained below, technical or professional qualifications are desirable, should be held by natives of India.

6. Further, we agree with your Grace in thinking that, as a rule, it is desirable, as far as practicable, to engage in Great Britain the services of such natives of that country or of the Continent of Europe, or of America, as it may be deemed proper to enlist in the junior branches of the Uncovenanted Service of India. And we cordially share the disfavor with which Her Majesty's Government look on the appointment in India of Englishmen to situations that ought only, as a rule, to be filled by members of the Covenanted Civil and Military Services. We are not aware, indeed, that any such *system* is growing up in India as is supposed by Her Majesty's Government. We append to this despatch two statements (A and B), showing the manner in which, at a recent date, offices in India were in this respect filled, from which, we think, your Grace will see that there has not hitherto been any important departure from law and rule in the manner in which appointments have been made. There

are at this moment very few Uncovenanted officers holding offices usually filled from the Covenanted Service; and we believe that completely satisfactory reasons can be given in the case of almost all of these few exceptions.

7. At the same time, we are not prepared to deny that if vigilance be not exercised, there might arise some danger of unconstitutional irregularities. It is obvious that, under the existing system of recruitment for the Covenanted Civil Service of India by open competition, no Englishman who has not succeeded in that competition can (as a rule, and except under the provisions of 24 and 25 Vic., cap. 54, Sec. 3) be appointed to any of the reserved offices without injustice to those successful competitors who are eligible thereto. And, apart from this, it is most desirable, in the interests of economy, that suitable employment should be found for the numerous Junior Covenanted Civilians and officers of the Staff Corps at present in our service, and that appointments for which they are fitted should generally be filled from their ranks.

8. We are quite prepared, with your Grace's approval, to take *as a general rule* for our own guidance, that whenever any office can, with due regard to the public interests, and to the claims of Uncovenanted officers already in the service, be filled by a Covenanted Civil Servant or by an officer of the Staff Corps, no other person, not a native of India, shall be appointed to it. We should be glad, indeed, to see some such rule prescribed by Her Majesty's Government for general observance by every Government in India. It would not of course be understood to prohibit the appointment of persons possessing special professional qualifications, to offices in which such qualifications are necessary, or of any person whatever to any office which he can legally fill, and which it is clearly for the interests of the public service that he *should* hold.

9. We have entered fully into these important matters lest any misapprehension of our policy regarding them should prevent Her Majesty's Government from assenting to the rules for regulating the leave of absence of our Uncovenanted Servants which we have now so often recommended. For we venture to represent to your Grace that the instructions which we have now received impose upon us a duty which we cannot satisfactorily perform, and which might, if obeyed, lead, in the future, to grave injustice to deserving members of the Uncovenanted Service, and cause some inconvenience to our administration.

10. However carefully we may endeavour to act upon the principles we have above described, there must, for many years to come, and probably always, be many offices to which it will be expedient to appoint persons who are neither natives of India, nor members of the Covenanted Civil and Military Services. It is no disparagement of the natives of India to say that, as a rule, they do not, at present, possess, and perhaps never will possess in as great a degree as natives of some other countries, the professional skill, strength, and endurance necessary for the due performance of the duties of many of the offices detailed in the margin of the preamble to the rules submitted for your approval with our dispatch No. 74, dated 22nd March 1869. Nor do we think that the interests of India require that there should be any hesitation about the employment of persons not born in India, even in the Uncovenanted Civil Service of the State, in offices for which they are decidedly more qualified than natives of the country. The appointment of such persons to such offices is not, in our opinion, at all inconsistent with the principle that natives of India have a preferential right to employment in the service of their own country so far as they are qualified for it.

11. For many of the offices specified in the list above referred to, natives of India are not, at present, qualified.

12. And in regard to the employment of members of the Covenanted Civil Service or of the Staff Corps in those offices, if the list be examined it will be found that sometimes for the offices contained in it special professional requirements are necessary, which are not possessed by members of the Covenanted Civil and Military Services,—as, for instance, for the Marine Department, for the Telegraph Department, for the Public Works Department, for the Forest Department, for the various offices filled by barristers-at-law, for the Geological Department, and in a less degree, perhaps, for the Educational Department. Sometimes again it will be found, as in the case of the Financial Department and the Police Department, that the scale of remuneration fixed is far too low to attract members of the Covenanted Civil Service, except in the higher posts, from which, if the Uncovenanted departmental officers were excluded, either the pay of the lower posts must be greatly raised, or the efficiency of the administration must be greatly impaired.

13. We venture to think that on re-examining the list, your Grace will find that to most of the offices specified therein neither gentlemen of the Covenanted Civil Service or the Staff Corps, nor natives of India could, as a rule, be appointed; either because they are not at all likely to be possessed of the needful professional requirements, or because the emoluments are insufficient to attract them.

14. It being then established that the many important offices cannot ordinarily be filled either by natives of India, or by officers of the Covenanted Civil Service or the Staff Corps, it is obviously most important that suitable rules for leave of absence to the officers who *must* fill them, should be passed. Not only have the officers themselves a strong claim to liberal treatment in this respect, but it is most important in the interests of the public service to facilitate by every legitimate concession, periodical visits to Europe or America by every native

of those continents in our service, Uncovenanted as well as Covenanted. And this is, perhaps, especially true in respect to the officers of what may be called the professional departments.

15. We cannot suppose that it was your Grace's intention, *prima facie*, to exclude from the benefit of the more liberal rules to which you have assented, the many meritorious Uncovenanted officers who are now in our service, with the exception of the comparatively small number of "officers of the Education Department who have been appointed from England." We are fully sensible of the merits of these officers. But some of the most deserving and highest officers in the Educational Department itself would not come within the narrow category stated in your Grace's dispatch; and we could name many officers of distinction in other branches of the service who would not be, under your Grace's present orders, admitted to the benefit of the proposed rules as of right, but only by the comparatively invidious process of having their names included in a special list. Your Grace will probably be pleased, at any rate, to extend the benefits of the more favorable rules to every Uncovenanted officer, holding any of the offices in the list attached to our last dispatch, *already* appointed from England; as, indeed, we understand you to intend to do to all officers who may *hereafter* be so appointed.

16. But we desire to deprecate being compelled to submit at all the nominal roll for which your Grace calls. Such a roll must, in all probability, simply contain the names of the incumbents of all the offices in the list attached to our proposed rules; at least, we can conceive of no ground upon which we could make any distinction between two gentlemen, not natives of India, of equal rank, or holding the same office, in our service. We are so sure that if we invite the Local Governments to compile the nominal lists desired by your Grace, we shall be met with urgent remonstrances, that we have resolved to take no further steps in the matter until we shall be favored with fresh instructions from your Grace. We desire strongly to recommend that whatever may be decided for the future, every officer now in our service in any of the appointments mentioned in the list attached to our draft rules may be admitted to the benefits of the more liberal rules which have now been approved by Her Majesty's Government.

17. And, for the future, we would submit, for the consideration of Her Majesty's Government, that we shall be placed in an unfair position if the fact of an officer being appointed in India shall, *ipso facto*, place him in an unfavorable position as compared with officers not more than his equals, and perhaps his inferiors, only because they have been appointed in England. We have already stated our opinion that, *as a rule*, it is advisable to engage in England persons not natives of India required for our service in India; but to this rule there must be many exceptions. There can be no good reason why barristers, engineers, and other professional or scientific men should be held disqualified, or partially disqualified for service in India, merely because they are possessed of the special advantage of Indian experience. Some of our most distinguished officers have been thus engaged in India after acquiring valuable practical experience before entering the Government service. We have appointed some engineers to high posts in the Department Public Works for the construction of State Railways, for the very reason that they were on the spot, and that they had had extended experience of the people and the mode of conducting work in India. We have also taken over several engineers of experience from the East India Irrigation Company with reference to whom and to those specified above we have already said (Public Works Department despatch No. 157, dated 24th November 1869) that the improved rules will properly be applicable. It can hardly be your Grace's intention to fetter the discretion of the Government of India in respect to the employment of such men by restrictions in respect to leave of absence. It would, doubtless, be possible for the Government of India to obtain, in the case of each individual among such officers, the special sanction of the Secretary of State to his admission to the benefit of the Leave Rules of his class; but the necessity for such a reference would not, perhaps, be in keeping with the status of the Government of India.

18. Again, it is doubtful how far anything would be gained by recruiting in England for some of the Departments of which the service is limited, and the pay in the subordinate grades very low. Thus it is our intention to select officers for the service of the Financial Department by a system of nominated competitive examination in India: there would probably not, on an average, be more than two such admissions in a year. Thus, again, students trained in the Roorkee College are admitted to the service of the Public Works Department, and may rise, in fact have risen, to distinction in that service. We do not suppose that it can seem desirable to your Grace to insist upon the application of unfavorable Leave Rules to officers who have entered our service by such avenues.

19. Upon the whole, we must express our decided opinion that, however expedient it may be to engage in England such young men not natives of India as we require for our service, it is not desirable that we should be deprived of a free discretion to admit to our service persons *already* in India; but that, if Her Majesty's Government think fit to limit our discretion in any way, it should be effected by some direct regulation, and not by distinctions in regard to leave privileges.

20. We desire also to press again upon your Grace's consideration our strong sense of the injustice that will be done if the furlough allowances of our Uncovenanted officers be subjected to a lower maximum limit than that (£1,000 a year) fixed for the Civil and Military Services. The number of Uncovenanted Servants that will be affected by a maximum limit of

even £600 a year very small, and those who would be entitled to a maximum limit of more than £800 a year, will probably never much exceed fifty, of whom it is very unlikely that more than six or eight would ever be absent on furlough simultaneously. The financial gain, therefore, of treating the Uncovenanted Service less liberally in this respect than the rest of our officers, would not in any way compensate for the sense of wrong caused by making an invidious distinction between officers doing, perhaps, the same duty, and at any rate receiving the same salaries, merely because they belong to different classes. A main object of the changes made in 1868 in the Furlough Rules, was to get rid of such invidious and inequitable distinctions. It may reasonably be presumed that, as a rule, no Uncovenanted officer can attain to such emoluments as would entitle him, under the rules which we have proposed, to absentee allowances in excess of even £600 unless he be distinguished by special merits or special professional acquirements. It cannot be desirable to stigmatise such officers by treating them, upon the ground of a class distinction, less liberally than their fellows of the rank to which they have honorably attained.

21. In conclusion, we desire again to press upon your Grace's consideration our decided opinion that the best, and, indeed, the only satisfactory method of dealing with this somewhat difficult subject is that suggested in our despatch No. 220, dated 23rd August 1868. Our Uncovenanted Service is composed of natives of India and natives of other countries. It is very undesirable to give any advantages to one class which are not given to the other. Yet, inevitably, rules that may be very liberal for natives of India are totally unsuited for natives of other countries, and *vice versa*. The solution proposed by the Committee of 1868, *viz.*, to give the same leave indiscriminately to all our officers, but longer leave out of India than in India, appears to us, still, to be the true, and the only thoroughly satisfactory, method of disposing of the question.

*Abstract of Appendix A referred to in the 6th paragraph of the above despatch, being a statement of the number of offices in India which were filled in 1869 by Uncovenanted Servants, but which might have been filled by Covenanted Civil Servants or Military Officers.*

| SECTIONS.   | SUB-DIVISIONS OR DEPARTMENTS.   | NUMBER OF OFFICES.  |  |        |
|---|---|---|--|--------|
|   |   | Filled by<br>Uncovenanted<br>Servants who<br>are not Na-<br>tives of India. | Filled by<br>Native Un-<br>covenanted<br>Servants. | TOTAL. |
|   | Sub-division A—Judgeships in the High Courts and the Presidency Small Cause Courts  | 21  | 4  | 25     |
|   | Sub-division B—Offices in the Ordinary Civil Administration of the Non-Regulation Provinces and in the Settlement Department in Bengal and the N. W. P. | 81  | 30   | 111    |
|   |   | 102   | 34   | 136    |
| I.—Appointments usually filled from the Covenanted Civil or Military Services; also Judgeships in the High Courts and the Presidency Small Cause Courts for which Covenanted Officers are eligible. | Account Department  | 36  | 5  | 41     |
|   | Customs and Salt "  | 37  | 3  | 40     |
|   | Opium "   | 20  | ...  | 20     |
|   | Education "   | 107   | 22   | 129    |
|   | Forest "  | 46  | ...  | 46     |
|   | Police "  | 196   | 7  | 203    |
|   | Postal "  | 6   | ...  | 6      |
|   | Telegraph "   | 3   | ...  | 3      |
|   | Miscellaneous ...   | 13  | 1  | 14     |
|   |   | 464   | 38   | 502    |
|   | Public Works Department   | 447   | 34   | 481    |
|   | Great Trigonometrical Survey  | 6   | ...  | 6      |
|   | Topographical "   | 4   | ...  | 4      |
|   | Revenue "   | 68  | ...  | 68     |
|   | Medical Department  | 59  | 5  | 64     |
|   | Miscellaneous ...   | 6   | ...  | 6      |
|   |   | 590   | 39   | 629    |
|   | Geological Survey ...   | 18  | ...  | 18     |
|   | Emigration Department   | 1   | ...  | 1      |
|   | Judicial ...  | 31  | ...  |        |
|   | Law Department (appointments usually filled by Barristers and Attorneys) ...  | 25  | 100  | 156    |
|   | Marine Department   | 43  | ...  | 43     |
|   | Mint ...  | 1   | ...  | 1      |
|   | Political Department  | 5   | 6  | 11     |
|   | Printing "  | 3   | ...  | 3      |
|   | Revenue "   | 3   | ...  | 3      |
|   | Secretariats ...  | 10  | 1  | 11     |
|   | Translators ...   | 4   | 2  | 6      |
|   | Miscellaneous ...   | 2   | 1  | 3      |
|   |   | 146   | 110  | 256    |
| IV.—Appointments held exclusively by Uncovenanted Officers, of which from their small value or from other cause do not attract Officers from the Covenanted Service.                                | GRAND TOTAL ...   | 1,302   | 221  | 1,523  |

Appendix B referred to in the 6th paragraph of the above despatch, being a statement showing the number of Natives of India in the service of the Government in 1868 receiving Rs. 100 a month or more.

| MONTHLY SALARIES.    | Government of India (General & Political). | NUMBERS.     |                          |            |            |            |                    |            |                |   | TOTAL. |
|----------------------|--|--------------|--------------------------|------------|------------|------------|--------------------|------------|----------------|---|--------|
|                      |  | Bengal.      | North-Western Provinces. | Bombay.    | Madras.    | Punjab.    | Central Provinces. | Oudh.      | British Burma. |   |        |
| Rs. 100 to 200 ...   | 173  | 647          | 416                      | 448        | 356        | 257        | 125                | 120        | 100            | 2,642   |        |
| " 200 to 300 ...     | 39   | 259          | 151                      | 147        | 215        | 51         | 23                 | 23         | 15             | 923   |        |
| " 300 to 400 ...     | 17   | 69           | 22                       | 45         | 22         | 5          | 12                 | 23         | 2              | 208   |        |
| " 400 to 500 ...     | 5  | 51           | 34                       | 8          | 2          | 13         | 3                  | 8          | 1              | 125   |        |
| " 500 to 600 ...     | 6  | 15           | 9                        | 14         | 14         | ...        | 2                  | ...        | ...            | 60  |        |
| " 600 to 700 ...     | 3  | 17           | 9                        | 3          | 4          | 8          | ...                | 3          | ...            | 47  |        |
| " 700 to 800 ...     | ...  | 11           | 1                        | 1          | ...        | 1          | ...                | ...        | ...            | 14  |        |
| " 800 to 900 ...     | ...  | ...          | 4                        | 1          | ...        | ...        | ...                | ...        | ...            | 5   |        |
| " 900 to 1,000 ...   | ...  | ...          | ...                      | ...        | ...        | ...        | ...                | ...        | ...            | ...   |        |
| " 1,000 to 1,100 ... | ...  | 3            | ...                      | 7          | 1          | ...        | ...                | ...        | ...            | 11  |        |
| " 1,100 to 1,200 ... | ...  | 1            | ...                      | ...        | ...        | ...        | ...                | ...        | ...            | 1   |        |
| " 1,200 to 1,300 ... | ...  | 1            | ...                      | ...        | ...        | ...        | ...                | ...        | ...            | 1   |        |
| " 1,300 to 1,400 ... | ...  | ...          | ...                      | ...        | ...        | ...        | ...                | ...        | ...            | ...   |        |
| " 1,400 to 1,500 ... | ...  | ...          | ...                      | ...        | ...        | ...        | ...                | ...        | ...            | ...   |        |
| " 1,500 to 1,600 ... | ...  | ...          | ...                      | 1          | ...        | ...        | ...                | ...        | ...            | 1   |        |
| <b>TOTAL</b> ...     | <b>243</b>                                 | <b>1,065</b> | <b>646</b>               | <b>675</b> | <b>614</b> | <b>335</b> | <b>165</b>         | <b>177</b> | <b>118</b>     | <b>4,038</b>  |        |
|                      |  |              |                          |            |            |            |                    |            |                | One Native Judge of the Bengal High Court, at Rs. 4,136-10-8 per mensem ... | 1      |
|                      |  |              |                          |            |            |            |                    |            |                |   | 4,039  |

Financial despatch from the Secretary of State for India, to the Government of India,—No. 451, dated the 6th December 1871.

I have considered in Council your financial letter dated the 4th October 1870, No. 227, on the subject of the proposed alterations in the rules for the grant of leave of absence to the Uncovenanted Service.

2. I am glad to find that you concur in the principle that natives of India should be more generally appointed to offices, the duties of which they are competent to discharge, and that offices to which it is desirable to appoint persons not natives of India, and for which special technical and professional qualifications are not required, should be, as far as practicable, held by Covenanted Civil Servants or Officers of the Staff Corps.

3. It is obviously desirable that an increasing proportion of Uncovenanted Officers should be natives of India, and also that the principle which has been hitherto so eminently successful in operation should be, as far as possible, maintained, of vesting the first appointment of such Europeans as may be destined for the higher branches of the service, whether Covenanted or Uncovenanted, in the authorities in England, leaving all promotions to be made by the authorities in India. It would be a violation of these principles to encourage the creation of a highly paid English service in India, the first appointments to which would be vested in the Local Governments.

4. As regards the list requested in my financial despatch of the 10th March 1870, No. 84, you deprecate being required to submit a nominal roll of officers now actually in the service, to whom the proposed more favorable provisions should apply, assigning, as your reason, that "such a roll must in all probability simply contain the names of the incumbents of all the offices in list," forwarded with your financial letter dated the 23rd March 1869, No. 74, and that you "can conceive of no ground on which" you "could make any distinction between two gentlemen, not natives of India, of equal rank or holding the same office" in the service. You add that "the solution proposed by the Committee of 1868, *viz.*, to give the same leave indiscriminately to all" officers, but "longer leave out of India than in India appears to" you "still to be the true and the only thoroughly satisfactory method of disposing of the question."

5. It is with regret that I find you have not been able to frame Leave Rules for the Uncovenanted Service in conformity with the instructions conveyed to your Government in the financial despatch dated the 15th May 1868, No. 221.

6. It is no doubt difficult to devise rules to meet all the cases of European and Eurasian Uncovenanted Servants who have obtained their first appointments in India. Saving such reasonable concessions as I am willing to grant to actual incumbents, I desire that it may be regarded as a general principle, not hereafter to be departed from, that all Europeans appointed in India to offices which could be fitly held by natives, should receive no greater advantages of any kind, furlough of course included, than would be enjoyed by natives holding such posts or offices.

7. With regard to those Uncovenanted Servants who are appointed in England to offices for which they have special qualifications, the case is different, and I have already expressed my willingness to allow them the benefit of more favorable rules. This benefit is also due to those Europeans who, for special reasons, may have been, or, with my sanction, may be hereafter appointed in India to certain exceptional posts.

8. But, in order to confine these privileges within reasonable limits, I must again request that you will furnish me with a nominal list of the officers who appear to you to come within the description referred to in paragraph 6 of my financial despatch dated the 10th March 1870, No. 84, and with a statement showing the first appointment of each officer to the service, by what authority, and at what date the appointment was made, and of the offices subsequently held by him. I shall then be able to determine what officers should be admitted to the benefits of the more favorable Furlough Rules.

#### PENSIONS AND GRATUITIES.

*The 16th February 1872.*

No. 1197.—The Acting Governor General in Council is pleased to direct the publication of the following rule as Rule 1 under Section 57 of the Civil Pension Code:—

1.—For educational officers entitled to the benefit of Section 61 (a), “27” should be substituted for “30” in this Section.

#### SEPARATE REVENUE.

(POST OFFICE).

*The 16th February 1872.*

No. 1222.—The Acting Governor General in Council directs that the following rule be substituted for Rule XI of the postal rules published with Notification of the Home Department, No. 189, dated 21st April 1866:—

XI.—No service parcel exceeding 600 tolahs in weight, and no private parcel exceeding 2,000 tolahs in weight, shall be received at any Post Office for despatch by Banghy or Letter Mail.

The following Orders issued by the Government of India, in the Military Department, are republished for general information:—

No. 146.—*Fort William, the 12th February 1872.*—The following Military letter from the Right Hon'ble the Secretary of State for India is published for general information:

MILITARY.

INDIA OFFICE;

No. 14.

*London, 18th January 1872.*

*To His Excellency the Right Hon'ble the Governor-General of India in Council.*

MY LORD.—The under-mentioned Officers have been permitted to return to their duty, *viz* :—

\* \* \* \* \* \* \* \* \* \*

2. The under-mentioned Officers have been granted extensions of leave for the period specified, *viz* :—

\* \* \* \* \* \* \* \* \* \*

Lieutenant W. J. Williamson ... ... 3 months.

3. Colonel W. Agnew has been allowed to embark at Brindisie on the 12th February 1872.

No. 157.—*The 16th February 1872.*—The under-mentioned Officers have reported their departure for Europe on the dates specified:—

\* \* \* \* \* \* \* \* \* \*

Captain E. G. Lillingston, of the Bengal Staff Corps, G. G. O. No. 62 of 1872,—  
*Deccan, 2nd February 1872.*

H. L. DAMPIER,  
*Secy. to the Govt. of Bengal.*

*The 15th February 1872.*—The following Rules for the guidance of Running Pilots, which have been approved by the Lieutenant-Governor, are published for general information:—

PILOTAGE.

1. No pilot is on any account to take charge of an outward-bound vessel without an order signed by the Master Attendant or one of his assistants.
2. A pilot is not allowed to take charge of an inward-bound vessel at the Sandheads without the order of the senior officer, or the officer in command of the nearest pilot brig.
3. No pilot is to take charge of an outward-bound vessel within the limits of the port until the same is made over to him by an Assistant Harbour Master, without permission from the Master Attendant, or one of his assistants.
4. A pilot having taken charge of an outward-bound vessel is to use his best exertions to prevent delay in getting her to sea, and, on quitting charge, he is not to come to Calcutta without orders from the Master Attendant, or from the senior officer at the Sandheads, but he is to repair to the cruizing station, and to place himself under the orders of the senior officer on board any pilot vessel which may be conveniently situated for the purpose, or on board the floating light vessel.
5. No pilot is to take charge of an outward-bound vessel from the 1st May to the 10th June, and from the 30th September until after the 15th day of November, which has not her top-gallant masts on deck, without special permission from the Master Attendant. Ships about to leave the port may, after they have left their moorings and dropped down to Garden Reach, be allowed to send their top-gallant masts and yards aloft 24 hours before they leave port.
6. When pilots are going down to join the station on board of any vessel, and the pilot who is appointed to take her down does not join in time to enable the vessel to leave the same day, the senior pilot of those going down is to take charge.
7. An officer receiving an order to take pilotage charge of a vessel outward-bound will proceed on board with all convenient despatch, and ascertain that her decks are sufficiently clear, and that she is in a proper state for working as regards her masts, yards, and rigging. He will also ascertain, without causing unnecessary detention by hauling up cables and sails for inspection, that the ship is sufficiently found in these respects; and that her boats are serviceable and fit on occasion to carry out a bower anchor, and that she has the commercial code of signals. He is to ascertain that she has two serviceable bower anchors, and if she has not a sheet or spare anchor fit for a bower over her side, that she has one in such a position on deck that it can easily be brought into use in case of its being required. Should a vessel lose one of her three bower anchors after leaving Garden Reach, she is not to be stopped on that account if the commander wishes to proceed. The pilot will ascertain that the vessel has the means of showing two good lights during the night for the whole of the time likely to be occupied in getting clear of pilot's water, and also that she has those required by admiralty regulations, and that her compasses are in good order. The pilot should also satisfy himself that the officers and crew are numerically sufficient to work the vessel. Should it be necessary to communicate with the commanding officer on these or any other points, the pilot is to do so in the most respectful manner; and if his representations and inquiries do not meet with prompt and due attention, and he should still have reason to suppose the ship deficient in any of the above requisites, he will not take charge, but immediately report the same to the Master Attendant.
8. An officer, before taking pilotage charge of an outward-bound ship, is to be very particular in ascertaining her draught, and forwarding a certificate of the same to the Master Attendant's office, signed by himself and the commander or commanding officer of the vessel. Should circumstances render waiting for the certificate inconvenient, the vessel may proceed, on an understanding with the commanding officer that if the certificate of draught of water (on which only the pilotage bill can be made out) is not received at the Bankshall before the vessel passes Moyapore, telegraphic orders will be sent to detain her until it is received; and in case a vessel takes in cargo at any place on her way down the river, so as perceptibly to alter her draught, the officer in pilotage charge is to forward a certificate of such altered draught, noting the place where the cargo was taken on board.
9. An officer appointed to the pilotage charge of a ship within the boundary of the port, who, on going on board, shall find her at single anchor (unless in charge of a duly authorized officer) is not to move such vessel, but he is forthwith to report the same to the Master Attendant, unless the commanding officer can show a written permission from competent authority.
10. No officer is to proceed in pilotage charge of a ship whose commander refuses to receive a leadsman, but is to refer the case to the Master Attendant if in town, or to the senior officer if at the Sandheads.
11. An officer having taken pilotage charge of a vessel is on no account to relinquish it before completing the service for which he was placed on board her, unless in case of

sickness or other unavoidable necessity, and he will use his utmost diligence to complete the service on which he had been ordered. Should any one be improperly impeded in his duty he will report the same to the Master Attendant.

12. No officer, of whatever rank, is to interfere with the pilotage charge of any other officer without his consent, except in the case of a vessel in charge of a second mate, or leadsman, when, at the request of the commander, a pilot of a superior grade may supersede the inferior.

13. No unemployed or unengaged officer above the rank of an acting mate pilot is to pass a vessel in the river ten miles below Calcutta, which may have a signal for a pilot flying without going on board; and if the vessel is inward-bound, he is to offer to take charge. Should the vessel be outward-bound, he is to endeavour to ascertain the cause of her being without a pilot, and if he shall have reason to think that she has been regularly cleared, and that she had a pilot when she left Calcutta, which pilot has been obliged to quit through some legitimate cause, such as sickness (but not otherwise), he is to offer to take charge and conduct her to sea. It

will be his duty to report the particulars of the occurrence to the Master Attendant by the first opportunity. Pilots proceeding to the Cruizing Station are prohibited from taking charge of any vessel on their way down except those noted in the margin.

14. An officer, before giving over charge of an outward-bound ship at the Sandheads, is to cause the usual certificate to be filled up and signed by the commander and is to sign it himself, and forward it to the Master Attendant. A like course is to be pursued in regard to the inward certificate on arrival at Calcutta.

15. An officer in pilotage charge of a vessel is not to quit her in the river, unless she is properly moored, without being duly relieved by an officer of the harbour master's department, or some other person properly authorized to take charge.

16. If an officer is appointed to a ship that does not leave Calcutta within two days subsequent to the date of his appointment, he is to report the circumstance to the Master Attendant, and forward the commander's opinion as to the probable date of departure. If the ship's departure is delayed beyond the time specified, the delay is again to be reported. Officers in charge of ships detained for three days at Saugor, or any other part of the river below Calcutta, are to report and explain the cause; and to report afresh for every subsequent three days' detention in like manner.

17. No pilot is to leave the Sandheads without permission of the senior officer on the station, or of the branch pilot in charge of the vessel he may be in at the time.

18. Officers in pilotage charge of ships are not to permit their leadsman to take servants to sea with them. A leadsman, either of the service, or some other, shall always be in the chains when the vessel is under weigh in pilot's water.

19. When no leadsman is available, the pilot, on entering the river and obtaining a tow boatman, should address the commander in some such terms as the following:—

"I require the lead to be hove with great accuracy to a small quarter fathom, and great attention paid to such directions as I shall give regarding it. Have you a man on board that can do this? If not, I have a man here who can heave the lead with great accuracy, and with your permission I will send him in the chains." If the commander, after this explanation, chooses to prefer one of his own crew to heave the lead, the responsibility for correct soundings will then rest with him.

20. When proceeding up or down channel in thick weather, and when the buoys are not visible, pilots are required to have two leads going, one in each chains, as under such circumstances the lead is the only guide, and one leadsman will be a check on the other.

21. The attention of pilots is drawn to the necessity of having a deep-sea lead over the side when at anchor at night, and they should leave instructions with the officer of the watch to attend it as often as necessary.

22. Within three days of the full or change of the moon, no vessel drawing more than 12 feet is to attempt to pass the James and Mary, inward-bound on the flood, before half tide, unless in tow of a steamer.

23. No pilot is to steam, sail, or tow down on an ebb tide, or up on a flood tide amongst the shipping within the limits of the port without the permission of the Master Attendant; and no pilot proceeding up or down within the limits of the port, in a steamer, or in a ship towed by a steamer, shall, under any circumstances, proceed over the ground at greater speed than one mile per hour.

24. In consequence of the disastrous accidents to vessels that have occurred at Nynan, officers in pilotage charge of ships are warned to adhere strictly to the instructions that may be issued from time to time by the River Surveyor regarding that anchorage, and, when it is reported to be unsafe, are on no account to anchor vessels there unless it be absolutely necessary to do so to avoid imminent danger. The circumstance of such a necessity will, in case of accident occurring, have to be most clearly shown.

25. All pilots are prohibited from turning any vessel within the limits of the port above the sluice gate Garden Reach without the permission of the Master Attendant.

Men-of-war.  
Government vessels.  
Troop ships.  
Vessels in distress.

26. Vessels are not to be under weigh at night in the following positions:—

*First.*—Within the boundaries of the port.

*Second.*—Between Tumlook Trees and Fultah Point, or over the James and Mary, under *any* circumstances.

*Third.*—Between the upper part of Saugor Roads and Mud Point, under *any* circumstances.

*Fourth.*—No vessel is to be moved at night in other parts of the river above Saugor Roads without the commander's consent, signified in writing in the following form:—

To Mr.

Pilot of the ship

Sir.—I request you will keep the ship under weigh as long as in your opinion you can do so in safety; and I hereby hold this ship responsible for any damage that she may do to any other vessel lying at anchor, showing lights according to the rules of the port.

*Fifth.*—No vessel is to be allowed to cross the Gasper at night in the absence of the 2nd light vessel, unless the moon is so bright that the buoys can be seen, or it should be necessary to cross to avoid greater danger.

27. Until further orders, officers are to move vessels at the following draughts:—

*1st.*—Inward or outward, without steam, at any draught not exceeding 20 feet.

*2nd.*—Inward or outward, with steam, at any draught not exceeding 22 feet.

*3rd.*—The officers of the pilot service will, as usual, take charge of inward-bound ships of any draught at the pilot station, but they are strictly prohibited from bringing any vessel of more than 22 feet draught higher than Saugor, or taking her from town, if above that draught, without special permission of the Master Attendant.

*4th.*—A pilot must not move a ship between Calcutta and Saugor, either outward or inward-bound, without the aid of steam, if she is drawing more than 20 feet, unless, in the absence of a steamer, it becomes necessary to change her anchorage for safety.

*6th.*—Beyond Saugor a pilot is left to his discretion whether he will move an outward-bound ship drawing more than 22 feet.

28. Pilots are prohibited using the Western Channel, when it may happen to be open, between Kedegreee and the Sandheads during the S. W. monsoon without steam, except in cases of great emergency.

29. Steamers meeting are to pass each other on the port side. Steamers, with or without ships in tow, likely to meet in a narrow passage, or when, from another vessel being in the way, it may be difficult to pass, the one going against the tide is to ease her steam until the other has cleared the difficulty. Every steam vessel navigating any river or narrow channel, shall keep, as far as practicable, to that side of the fairway or mid-channel of such river or channel which lies on the starboard side of such vessel, due regard being had to the tide and to the position of each vessel in such tide. Steam vessels under weigh are to be considered in the light of sailing vessels navigating with a fair wind, and are to give way to sailing vessels on a wind on either tack.

30. In order to prevent accidents from vessels crossing each other on opposite tacks, it is to be distinctly understood that the vessel on the starboard tack is to keep her wind, and that on the port tack to bear up, without regard to seniority. When vessels are likely to fall on board of each other from sudden shifts of wind, *it is to be presumed that the pilot of each will endeavour, as much as possible, to avoid such an accident*; but, in order to ensure unity of effort, the junior officer will, in all such cases, obey the orders of the senior. In case of collision between ships, whether at anchor or under weigh, a full and particular report is to be made by the officers in pilotage charge, signed as in the case of grounding reports.

31. Every vessel under charge of a pilot anchoring within the limits of the port is to moor, unless she intends to weigh on the next tide; but this rule is not intended to apply to vessels at anchor below Bishop's College waiting for daylight to move with.

32. Much inconvenience, and often damage, occurring to ships from the proper channel for vessels moving up or down not being kept clear within the boundaries of the port, a channel of one cable's length in width must be kept clear between the outer moorings and the ships in the stream, and officers of the pilot establishment are positively forbidden to leave ships in the channel as above described, whether moored or at single anchor; but in case of their being actually obliged to bring up therein, the officer is not to quit her until she is removed out of the channel, or he is relieved by a harbour master.

33. Pilots are strictly prohibited from anchoring any vessel under their charge in the fairway of the East Indian Railway ferry between Armenian Ghaut and Howrah.

34. No pilot is to anchor or moor any vessel under his charge abreast of the P. and O. Co.'s premises without the permission of the Conservator.

35. A pilot in charge of a vessel, arriving off Kidderpore under circumstances of wind, tide or steam permitting her to proceed above Fort Point, and seeing that no assistant harbour master is available, is to proceed up and anchor in any clear berth that the commander may select, taking care that the ship is properly moored, with not less than 30 fathoms of cable each way. A certificate of her being so moored is to be obtained from the commander or commanding officer, and forwarded to the Master Attendant's office.

36. All vessels at anchor between the lower limit of the port and the Sandheads are to show a bright white light at the starboard fore-yard-arm from sunset to sunrise. The lantern to be 8 inches in diameter, and constructed so as to show an unbroken light all round the horizon at a distance of one mile at least.

37. All vessels, whether steamers or sailing vessels, shall, when under weigh, carry lights as per admiralty instructions.

38. No pilot in charge of a vessel should burn a blue light (except in cases of distress) between the Upper Gasper floating light vessel and the Eastern Channel floating light vessel.

39. The firing of guns, unless as signals of distress, is forbidden in any part of the river above Fultah.

40. All pilots are directed to telegraph from the first telegraph office any accident that may happen to vessels under their charge.

41. Pilots are directed to use every precaution in their power in order that the signal numbers of the vessels of which they may be in pilotage charge are accurately and distinctly displayed by the commercial code on arrival within signal distance of the several stations on the river, and kept flying until answered. Pilots will be punished for any disregard on their part of this order.

42. Pilots in pilotage charge of vessels are to afford every facility to dâk-boats coming alongside.

43. Any pilot who, after receiving a station order or an order to take away a ship, does not comply with such order will, unless he produces a medical certificate from the Marine Surgeon, or other certificate to the satisfaction of the Master Attendant, be considered absent without leave until he has reported himself to the senior officer at the Sandheads, and will then be required to furnish an explanation of his neglect to obey the order in proper time; and should this explanation be unsatisfactory, he will be liable to be tried for disobedience of orders, the punishment for such under the Penal Code of the service being dismissal.

44. Certificates from vessels of H. M.'s Royal Navy shall be forwarded in quadruplicate.

45. Officers while in Calcutta are to attend daily at the Master Attendant's office, and they are to reside within the limits of town, and not leave town without permission of the Master Attendant.

46. All pilots are directed, on their arrival in town, and previous to their departure therefrom, to inspect the public order book kept at the Bankshall, and make themselves acquainted with and attend to all orders and instructions entered therein.

47. Every officer of the pilot establishment, in cases of sickness, is to obtain a certificate from the Marine Surgeon of his inability to attend to his duty, which he is to forward to the Master Attendant, and failing that, he will be considered absent without leave, and mutet accordingly. In like manner, on recovering from sickness, he must furnish a certificate of his ability to resume his duties.

48. If a pilot considers himself aggrieved by any conduct on the part of the commanding officer of a sh'p, he is to transmit his complaint in writing to the Master Attendant, for his consideration and orders.

#### REPORTS.

49. Officers taking charge of vessels at sea are to be provided with copies of the letter from the Master Attendant to the commander, including the order relative to the Moyapore Magazine, and also with copies of letters required to be filled up and addressed severally to the Collector of Customs, the Master Attendant, and two to the post-master at Mud Point. Immediately on going on board, the pilot is to write the name of the commander and of the vessel on the letter to the commander's address, giving it and the order in council to him with the letters above referred to. He is to be most particular in seeing that these four letters, or such of them as he may be supplied with, are correctly filled up according to the forms of each before he takes charge, unless the vessel is in a situation of danger, and he is to be careful that they are delivered to the first dâk-boat, to be forwarded to their respective addresses. Should there be more passengers on board than the column in the report intended for the names will contain, a separate sheet must be attached with the names of the passengers, and a note made in the column "see attached list."

50. In order to secure the correct insertion of the ship's tonnage in the printed form to the Master Attendant, and the inward certificate, the officer is to request a sight of the register, and should this be denied, he will make a note of it in the letter and on the face of the certificate. He must also state in the certificate (if a foreign vessel) if she has been measured in a British port, and the tonnage according to the certificate of measurement; and if the vessel arrives in ballast, he is to insert in the inward certificate the words "in ballast."

51. Officers of the pilot service are directed to receive all official documents that may be sent to them by the Master Attendant's office for conveyance to the Sandheads, and to deliver them immediately on arrival. They will also receive and note all official letters given to them by the pilot brigs or light ships to be posted.

Any disregard of this order will be severely dealt with.

52. Officers are on all occasions to report the number of pilots outside, and the ships they have passed outward and inward-bound.

53. If a ship or vessel loses an anchor or anchors, the officer in pilotage charge will report the circumstance officially to the Master Attendant as soon as practicable, giving an accurate description of the place where the accident happened, and stating the description and weight of the anchor, and size and description of the cable, to enable the Master Attendant's Department to identify the same when recovered. The report is also to be attested by the commander or commanding officer of the ship or vessel.

54. In like manner, should the ship or vessel unfortunately get aground, or meet with collision with any vessel or buoy, or with any other accident or serious injury to any of the crew or other person in connection with, or caused by the vessel, the officer in charge will, on the first opportunity, forward to the Master Attendant a report of the accident, containing, besides the bearings of any known fixed objects in view and information usually furnished, the ship's draught of water, the time of tide, and hour of the day when, and the place where, the ship grounded or collided, the manœuvre that the pilot was executing or attempting to execute at the time, the cause of the accident, the damage (if any sustained), the time the vessel was on shore, and the quantity of water the vessel makes in consequence the accident. This report if approved shall be attested by the commander or commanding officer. Officers in pilotage charge of steamers should report the circumstances, as far as these may come within their knowledge, of the grounding of any ship or vessel they may have in tow. This report, if approved of, shall be signed by the commander of the steamer.

55. A pilot, on arrival in town, after having reported himself, is to inquire if the report of the vessel he brought up has been received in the Master Attendant's office.

56. All pilots sending public letters through the post are directed to put the words "service bearing" on the right hand upper corner, leaving both ends of the envelope open, and franking it in the left hand lower corner, as shown in the specimen form given in the margin.

|   |
|---|
| Service bearing.<br>To the Master Attendant,<br>Calcutta.<br>Signature of sender. |
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#### CUSTOM HOUSE.

57. Should an attempt be made to put goods on board an outward-bound vessel after the port clearance has been obtained and the preventive officer has left, the officer in pilotage charge will remonstrate against it, and, if it should be still persisted in, report the same and remain for orders, unless such goods are accompanied by a Custom House permit, in which case they are to be received, and the permit forwarded to the Master Attendant's office.

58. A manifest shall be forwarded from all merchant ships, even though they have only ballast on board: in the latter case, the circumstance shall be specially noted in the inward certificate.

59. Officers in pilotage charge of inward-bound ships are directed to receive any document tendered by the commander as his manifest, duly signed by him, and to append the same to the printed form.

60. Every pilot in charge of an inward-bound vessel, whether steamer or sailing ship, is directed to put the manifest, after countersignature, into a properly secured cover, addressed to the Collector of Customs, Calcutta. He should endorse the cover with his full signature, and deliver it to the commander, for the purpose of being presented by him to the Collector of Customs at the time of his making entry. The pilot must, before returning the manifest to the commander, certify thereon the time at which the manifest was returned to him, and the name of the place where the vessel was at the time of his countersigning it. Should an inward-bound ship remain at anchor below Mud Point, the manifest ought to be returned to the officer in pilotage charge, filled up and attested by the commander.

61. Should he refuse to do so immediately upon anchoring, the officer will respectfully <sup>\* Vide section 35 of Act VI of 1863.</sup> warn the commander of the consequence (namely, a penalty of a thousand rupees) of his neglecting to do so within twenty-four hours from his first taking charge, and report to the Master Attendant should that time be exceeded.

62. Every vessel, whether British or foreign, having salt on board on entering the river will hoist her ensign at the main, which will be answered from Mud Point telegraph station, and the information be forwarded by telegraph for the purpose of having a Custom House officer sent to meet her from Diamond Harbour.

63. The following signals must be carefully attended to:—

#### SIGNALS.

Ensign at main to be hoisted on reaching Rangapullah. Vessel without a preventive officer (inwards).

Ensign at the fore.

Vessel with a preventive officer (outwards only).

Vessels in ballast are to hoist a white flag at the main when approaching Diamond Harbour.

\* Vide Section 35 of Act VI of 1863.

64. Should an attempt be made to remove goods from a vessel in the river, the officer in pilotage charge will remonstrate against the proceeding, and report it to the Master Attendant, with such description of the goods as he can obtain.

65. Officers in charge of inward-bound vessels are to point out to commanders the necessity of keeping a good look-out for the Diamond Harbour Custom House boat, and of affording every facility to her in getting alongside, and that nothing short of risk to the safety of the vessel is to prevent her receiving a preventive officer on board at the proper station.

66. Pilots bringing up vessels that arrive from the eastern ports of the Bay of Bengal, as per margin, are, on approaching Diamond Harbour, to hoist any flag at the jib-boom end, so as to let the person in charge of the preventive station know that an officer is not required.

67. Pilots are directed to sign receipts for native crew lists when made over to them by preventive officers, and are further directed to give receipts for any papers on matters of service that may be made over to them by the preventive officers.

#### POST OFFICE.

68. Should any difficulty be made in regard to the reception on board of any outward-bound vessel of the Post Office and Government despatches, for which receipts are to be duly signed by the commander or commanding officer, the officer in pilotage charge is (by special orders of Government) not to conduct her to sea, but wait for further instructions.

69. Officers of the pilot service taking charge of inward-bound steamers are directed to warn their commanders that they must land any mails addressed to Mud Point or Diamond Harbour at those stations, and bring all other mails to Calcutta, unless specially required by the post-masters of the above stations to land them at those places.

#### TELEGRAPH OFFICE.

70. The following signals must be carefully attended to:—

##### *Government Horses.*

*Rendezvous flag at the mizen.* To be kept flying from Saugor to the time the horses are disembarked;

##### *And for Troop Ships.*

*Jack at the mizen.* To be kept flying from Saugor till the troops are landed, Number of troops, camp-followers, and guns of every description to be signalled.

*To be telegraphed to the Deputy Quarter-Master-General of the Army.* Number of troops of every description, and Government horses or other animals.

Vessel's number to be hoisted on passing all telegraph stations.

71. Ships arriving in the river having troops or Government horses on board are on no account to be brought higher up than Hastings until the troops are disembarked.

72. Pilots are prohibited from anchoring in the vicinity of the telegraph cable, but should necessity compel them to do so, they are to remove the vessel as soon as possible.

73. All pilots when in charge of steamers are to stop and communicate with any telegraph station that has the red or imperative flag hoisted, but if the white or negative flag be hoisted, it is optional with the commander of the steamer to stop and communicate or proceed.

#### EMIGRANTS AND NATIVE PASSENGERS PILGRIMS.

74. A pilot, immediately after he has assumed pilotage charge of a ship bound to the Red Sea or Persian Gulf, is to muster the pilgrims or passengers *Vide Act XII of 1870.* that are on board, and if there are more than thirty in number, he is to call on the master to produce his license, and to see that the number on board does not exceed the number specified in the license. Should the number be in excess, he is to stop the vessel and report the circumstance to the Master Attendant.

75. Pilots in charge of ships with return emigrants on board are to moor them as near as possible to the emigration landing stage, Garden Reach, between the P. and O. Company's premises and I. G. S. N. Company's yard.

76. Pilots in charge of inward-bound pilgrim ships from the Persian Gulf or Red Sea, are to warn the commander not to allow the pilgrims to land until an officer of the Master Attendant's department has visited and inspected the vessel. Should there be an epidemic on board, he will anchor the vessel at Mud Point and telegraph to the Master Attendant for orders. The latter part of this order applies to vessels bringing returned emigrants.

77. Any pilot put on board a ship from the Red Sea, Persian Gulf, or Coast of Arabia, is to telegraph from Saugor to the Commissioner of Police if he observes on board any persons whom he may suspect to be slaves, either among the crew or passengers, and he is not to allow them to land until he receives orders from the Master Attendant or the Commissioner of Police.

78. In the event of serious sickness existing on board any vessel with returned emigrants, the pilot will represent to the commander the necessity of taking steam. Should the commander refuse to do so, the pilot is empowered to engage a steam tug, the cost of which will be adjusted by the Emigration Agent on the arrival of the vessel in town.

79. Pilots in charge of steamers carrying passengers are, on taking charge, to ask the master of the vessel to produce his certificate, authorizing him to carry passengers; in case of non-compliance the pilot will report the circumstance to the Master Attendant at once.

80. The attention of all pilots is drawn to Section 80 of the Emigration Act No. VII of 1871 with a copy of which a pilot is furnished on taking charge of an emigrant vessel.

#### STEAM TUGS.

81. Steam tugs having no ships in tow are permitted to come up to Chandpaul Ghaut amongst the shipping at night, but this will be done at the risk of the steamer, she being considered liable for any damage she may do in thus moving at night. In like manner, steam tugs without ship or vessel in tow may move at night in any part of the river outside the limits of the port at their own responsibility.

82. A ship is not to be taken in tow by a steamer which has not an authorized officer in pilotage charge, unless the officer shall have left her from ill-health after leaving Calcutta, when it may be permitted at the discretion of the officer in pilotage charge of the ship, provided the commander of the latter agrees to the arrangement.

83. When a steam tug takes two ships in tow, it must be with the consent of the captain and of the pilot of the ship that first engaged the tug.

#### GUNPOWDER.

84. No pilot is to bring any vessel within the limits of the port that has more than 50 lbs. of powder or other combustible ammunition on board. He is to telegraph from Saugor the quantity in excess, and to land it before passing Budge-Budge for deposit in the Moyapore Magazine. This does not refer to men-of-war. Pilots are directed to be on the look-out for, and to avoid the Government powder boat plying between Moyapore and Calcutta, which will be known by showing a red mast-head light at night, and a red flag by day. The word powder will also be shown on the gunwales of the boat.

#### INFLAMMABLE OIL.

Vide Revised Port Rule No. 5. 85. No pilot is to bring a vessel above Muttea Boorj Ghaut which has more than 40 gallons of inflammable oil on board without sanction.

The attention of pilots is called to rule 5 of the Bye laws and rules of the Port of Calcutta, framed by the Port Improvement Commissioners, and approved by the Lieutenant-Governor of Bengal.

#### SPECIAL RULE—*Gratuities.*

86. Pilots are forbidden, on pain of dismissal from the service, from seeking or receiving, directly or indirectly, a gratuity from the commanders, owners, or agents of vessels they may be required to take charge of. Any discussion about a gratuity for piloting a vessel, between a party concerned in her and a pilot, whether before he takes charge or whilst he is in charge, or after he has made over charge, is strictly prohibited, and will render him liable to dismissal.

H. L. D'AMPIER,  
Secy. to the Govt. of Bengal.

## NOTIFICATION.

*The 8th February 1872.*—In continuation of the Notification of this Government dated the 5th November last, which was published in the *Calcutta Gazette* of the 8th idem, the following rule has, under instructions of the Right Honourable the Secretary of State and His Excellency the Governor General in Council, been added to the revised rules for encouraging the study of oriental languages among graded European officers of the Bengal Educational Service.

*Rule 8.*—No educational officer will be permitted to receive rewards for passing in more than two languages.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

## NOTIFICATION.

*The 14th February 1872.*—It is hereby notified that under the provisions of Section 5 of the Indian Registration Act (VIII of 1871), the Lieutenant-Governor has been pleased to form the following sub-districts in the district of Backergunge:—

A new sub-district, with head-quarters at Nalchiti, shall comprise that portion of the thannah of that name, which is situated south of the Nalchiti river.

Another new sub-district, with head-quarters at Jhalokati, shall include that portion of the thannah of Nalchiti, which is situated north of the Nalchiti river.

A third sub-district, with the head-quarters at Backergunge, shall be conterminous with the thannah of that name.

The sunder sub-district of Burrisaul will thus comprise the thannahs of Burrisaul and Mehdigunge only.

This Notification shall take effect on and from the 1st March 1872.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

## NOTIFICATION.

*The 19th February 1872.*—A plan and estimate, amounting to Rs. 1,27,780, for the introduction of Sir W. Armstrong's Hydraulic Crane on the Port Commissioners' Jetties having been submitted by the Vice-Chairman to the Commissioners for making improvements in the Port of Calcutta, with his letter No. 2143, dated the 12th January 1872, the Lieutenant-Governor has been pleased to sanction the project under Section 35, Act V. (B.C.) of 1870.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

## Judicial and Political Departments.

## No. 230J.

## APPOINTMENTS.

*The 19th February 1872.*—The following gentlemen to be Municipal Commissioners for the town of Purneah:—

Mr. John Alexander Campbell.

William Newnham Toulmin.

Mr. Edward Hardcastle Ruddock, c.s., to be Vice-Chairman of the Municipal Commissioners for the town of Mossofferpore.

Mr. James Horatio Reily to officiate, until further orders, as District Superintendent of Police, Howrah.

*The 20th February 1872.*—Lord Henry Ulick Browne to be a Justice of the Peace for the Town of Calcutta.

The following Moonsiffs are promoted to fill up existing vacancies:—

## From the 2nd to the 1st Grade.

Moulvie Ali Ajmul Hossein, Moonsiff of Mudehpoorah, in Bhaugulpore.

Baboo Umbica Churn Mitter, Moonsiff of Doobrajpore, in Beerbboom.

Baboo Sreenath Dutt, Moonsiff of Pothna, in East Burdwan.

Moulvie Abdool Khalik, Moonsiff of Basitpore, in Mymensingh.

Baboo Kasseenath Das, Moonsiff of Kotulpore, in West Burdwan.

## From the 3rd to the 2nd Grade.

Baboo Baney Madhub Mitter, B.L., Moonsiff of Dinagepore.

Baboo Koylash Chunder Mookerjee, B.L., Moonsiff of Maldah.

Baboo Aghorenath Ghose, B.L., Moonsiff of Begungunge, in Tipperah.

Baboo Rajchunder Sandyal, Moonsiff of Putneetollah, in Dinagepore.

Baboo Mohendronath Mitter, Moonsiff of Cowcolly, in Backergunge.

Baboo Bulloram Mullick, B.L., Moonsiff of Cutwa, in East Burdwan.

Baboo Radha Kristo Sen, B.L., Officiating Moonsiff of Selimabad, in East Burdwan.

Baboo Juggutloollub Mozoomdar, B.L., Moonsiff of Nemal, in Midnapore.

Baboo Dwarkanath Ghose, Officiating Moonsiff of Goalundo, to be Moonsiff of that Chowkey.

Baboo Radhamohun Gossain, Officiating Moonsiff of Burpettah, to be Moonsiff of that Chowkey.

Baboo Hurrish Chunder Chakee to be a Moonsiff of the Third Grade, and to be Moonsiff of Dhoobree, in Goalparah.

Baboo Kristodhun Chowdry to be a Moonsiff of the Third Grade, and to be Moonsiff of Beerunge, in Dinagepore.

Baboo Anuntoram Ghose, B.L., to be a Moonsiff of the Third Grade, and to be Moonsiff of Bamunarah, in East Burdwan, but to continue to officiate as Moonsiff of Kanderah, in Beerbboom, till relieved, or until further orders.

Baboo Gopeenath Mattay to be a Moonsiff of the Third Grade, and to be Moonsiff of Jamoee, Bhaugulpore, but to continue to officiate as Moonsiff of Begoo Serai till relieved, or until further orders.

Baboo Poreshnath Sircar, B.L., to be a Moonsiff of the Third Grade, and to be Additional Moonsiff of Midnapore.

Baboo Kooladapund Mookerjee to be Second Subordinate Judge of the 24-Pergunnahs.

Baboo Mohendronath Bose to be Judge of the Small Cause Court of Midnapore, and to be Subordinate Judge of that District.

Baboo Bhooputty Roy to be Additional Subordinate Judge of Dacca and Furreedpore.

## LEAVE OF ABSENCE.

*The 19th February 1872.*—Captain Reginald Justus Winberley, Officiating District Superintendent of Police, Howrah, is allowed one month

leave in India on Medical Certificate, under the Military Furlough Rules of 1868.

NOTIFICATION.

*The 20th February 1872.*—The appointment of Mr. Edward Alfred Vines to officiate in the Fourth Grade of District Superintendents of Police, will have effect from the 15th July 1871, instead of from the 1st January 1872, as notified in the *Calcutta Gazette* of the 31st ultimo.

RIVERS THOMPSON,  
Offg. Secy. to the Govt. of Bengal.

NOTIFICATION.

*The 15th February 1872.*—It is hereby notified under Section 14 of Act XI of 1865, that the Officiating Judge of the Courts of Small Causes of Sealdah and Howrah will, from the 2nd March 1872, hold sittings in the Howrah Court on Saturdays only.

RIVERS THOMPSON,  
Offg. Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENT.

No. 70.

*The 17th February 1872.*

*Transfer.*—Baboo Dinonath Roy, Overseer, First Grade, from the Dum-Dum Division to the Behar Circle.

No. 71.

*The 19th February 1872.*

*Leave of Absence.*—Captain G. S. Hills, R.E., Executive Engineer, Second Grade, Officiating Executive Engineer, First Presidency Division, is allowed leave for thirty days, preparatory to proceeding to Europe on furlough on private affairs.

No. 72.

*Appointments.*—Mr. W. Barnsather, Executive Engineer, Second Grade, attached to the First Presidency Division, to officiate as Executive Engineer of the Bhaugulpore Division.

No. 73.

Mr. H. Joll, Executive Engineer, Fourth Grade, Bhaugulpore Division, to officiate as Executive Engineer of the First Presidency Division.

No. 74.

*Leave of Absence.*—Conductor W. H. Manners, Executive Engineer, Third Grade, attached to the Barrackpore Division, is allowed preparatory leave, from 16th November to 10th December 1871, to join his appointment.

No. 75.

The following Order issued by the Government of India, Military Department, is republished for information:—

*No. 146, dated 12th February 1872.*—The following Military letter from the Right Hon'ble the Secretary of State for India is published for general information:—

MILITARY. INDIA OFFICE;  
No. 14. London, 18th January 1872.  
To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,

2. The undermentioned Officers have been granted extensions of leave for the period specified, viz:—

4. Captain J. L. Watts, Royal Engineers, has been granted an extension of his furlough for one month. The month's extension of furlough granted to him in February 1865 having been without pay should not have been deducted from the balance to his credit.

I have, &c.,  
(Sd.) ARGYLL.

H. LEONARD, C.E.,  
Offg. Secy. to the Govt. of Bengal,  
P. W. D.

IRRIGATION.

ESTABLISHMENT.

NOTIFICATION.

No. 48.

*The 20th February 1872.*

The following Order issued by the Government of India, Public Works Department, is republished for information:—

*No. 88 of the 15th February 1872.*—Baboo Nobin Behary Ghose, Overseer, Third Grade, Punjab Northern (State) Railway, is transferred to Bengal, Irrigation Branch.

IRRIGATION.

No. 49.

*Declaration.*—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, viz., for the construction of an embankment on the right bank of the river Byturnee, it is hereby declared that, for the above purpose, a strip of land 6 miles 1,576 feet in length, and of an average width of 87 feet, measuring 60 acres 1 rood 27 poles, more or less, and commencing from Mouzah Burpadda, and passing in an easterly direction through the villages of Moolapal, Rooya, Kheroo, Dhantipatna, Gobindpur, Ronopal, Buggiree, Sarsooda, and Sallapata, and terminating at Mouzah Barindi, all in Pergunnah Surgarra, in the district of Cuttack, is required.

This Declaration is made, under the provisions of Section 6, Act X of 1870, to all whom it may concern.

G. A. SEARLE, Lieut.-Col., S.C.,  
For Offg. Joint-Secy. to the Govt. of Bengal,  
in the P. W. D., Irrigation Branch.

## High Court Notices.

## Orders by the High Court of Judicature at Fort William in Bengal.

## TRANSFERS OF MOONSIFFS.

*The 6th February 1872.*—Baboo Monu Lall Chatterjee, Moonsiff of Pandoah, to Serampore, Zillah Hooghly.

Baboo Mohesh Chunder Roy, Moonsiff of Serampore, to Ooloberiah, Zillah Hooghly.

Baboo Troylukhonath Mitter, Moonsiff of Ooloberiah, to Pandoah Zillah Hooghly.

*The 7th February 1872.*—Baboo Mohima Chunder Ghose, Officiating Additional Moonsiff of Chittagong, to Howrah, temporarily.

*The 8th February 1872.*—Baboo Koylash Chunder Mookerjee, Moonsiff of Malda, to Hemtabad, Zillah Dinagepore.

Baboo Uma Churn Dutt, Moonsiff of Hemtabad, to Maldah, Zillah Dinagepore.

## NOTIFICATION.

*The 20th February 1872.*

## LEAVE OF ABSENCE.

*The 7th February 1872.*—Baboo Ram Moni Sen, Moonsiff of Runganea, Zillah Chittagong, for one month, from the 15th instant, under paragraph 16 of the Uncovenanted Absentee Rules.

Baboo Ramdyal Ghose, Moonsiff of Howrah, Zillah Chittagong, for two months, from 15th March next, under Financial Notification No. 3622, dated the 22nd December 1865.

*The 21st February 1872.*—Baboo Bolac Chand, Moonsiff of Bhaungulpore, for fifteen days, under paragraph 16 of the Uncovenanted Absentee Rules.

By order of the High Court,  
F. B. PEACOCK,  
Registrar.

## Notice.

WHEREAS it appears desirable to ascertain the qualifications of persons who desire to be employed as Translators in the High Court by a formal and uniform test, the following rules have been framed by order of the Chief Justice for that purpose:—

Any person being a candidate for the office of Translator or of Sworn Examiner of translations in appeals to Her Majesty in Council, or of Translator in appeals to the High Court exceeding Rs. 10,000 in value, may, after satisfying the Chief Justice that he is in other respects a fit person to be appointed to such office, be furnished with a letter to the Examiners, from time to time to be appointed, requesting that such candidate may be examined.

The candidate, on presenting such letter and after payment of the fee of Rs. 10, shall be examined at such time and place as the Examiners may direct.

The Examination shall comprise the following parts:—

1. A written translation into the vernacular language in which the appointment as Translator is sought, of a chosen printed

passage from a Classical English Author extending to not less than 30 lines of an ordinary octavo page.

2. A written translation into the same vernacular of a manuscript paper, to be furnished by the Registrar to the Examiners, being a judgment, deposition, or document taken from the *misl* of some decided case.
3. A written translation into English of a similar paper in the same vernacular, to be likewise furnished by the Registrar.
4. A *third voice* rendering from the vernacular into English of at least six short sentences to be read out by the Examiner, and a like rendering *vice versa* from English into the vernacular.

To each written translation the Examiner shall assign a reasonable time within which the task is to be completed, and no translation shall be accepted which is not completed within the time so fixed.

A candidate who desires to qualify in more than one language shall undergo a like examination in each language, paying the same fee for each.

The candidate shall, if he pass the examination to the satisfaction of the Examiner, receive from him a certificate to that effect.

The Chief Justice reserves to himself the power of subjecting any of the existing Translators or Examiners to the test above prescribed, or of requiring the passing of such test as a condition precedent to the promotion of any person employed in the Translation Department.

R. COUCH.

HIGH COURT, APPELLATE JURISDICTION,  
*Calcutta, the 8th January 1872.*

## Departmental Notices.

## Notification.

BABOO CHUNDER NARAIN SING, Deputy Collector, has been placed in charge of the Baneorah Treasury, and is authorized to draw bills on other treasuries.

By order,  
KALI PUDDO MOOKERJEE, Head Clerk.  
For Pl. Asst. to Commr.

## Notification.

DEPUTY COLLECTOR BABOO RAMAKHOY CHATTERJEE has been placed in charge of the Midnapore Treasury, and is authorized to draw bills on other treasuries.

C. T. BUCKLAND,  
Commissioner.  
COMMR.'S OFFICE, BURDWAN DIVN.,  
*The 16th February 1872.*

## Notice.

MOULVIE ABDUOL GHUFOOR, Deputy Collector, has been placed in charge of the Sylhet Treasury, and authorized to draw bills on all other treasuries.

F. B. SIMSON,  
Commissioner.  
DACC. COMMR.'S OFFICE,  
*The 12th February 1872.*

## Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

The undermentioned Graduates have passed the examination for Honors in Arts:—

### ENGLISH.

#### FIRST CLASS.

##### *In order of merit.*

Hukum Chand  
Brajendranath De

.. Delhi College.

.. Canning College, Lucknow.

#### SECOND CLASS.

##### *In order of merit.*

Ishānchandra Basu  
Rāmgopal Chakravarti  
Jogendranath Mukhopādhyāy  
Surendranath Sarkar  
Kunjavihari Gupta

.. Presidency College.

.. Ditto.

.. Calcutta Free Church Institution.

.. Presidency College.

.. Ditto.

#### THIRD CLASS.

##### *In order of merit.*

Baishnavcharan Datta  
Balaichand Datta  
Avinaschandra Ghosh  
Adyanath Mukhopādhyāy

.. Calcutta Free Church Institution.

.. Presidency College.

.. Ditto.

.. Calcutta Free Church Institution.

### SANSKRIT.

#### SECOND CLASS.

Sivnath Bhattacharyya

.. Sanskrit College.

### HISTORY.

#### THIRD CLASS.

##### *In order of merit.*

Haricharan Mitra  
Birājkrishna Ghosh

.. Presidency College.

.. Ditto.

### MATHEMATICS.

#### SECOND CLASS.

Sasibhushan Mukhopādhyāy

.. Presidency College.

Baidyanath Basu

#### THIRD CLASS.

.. Kishnaghur College.

### PHILOSOPHY.

#### FIRST CLASS.

Jogendranath Ghosh

.. Presidency College.

### PHYSICAL SCIENCE.

#### THIRD CLASS.

Gyanchandra Chaudhuri

.. Presidency College.

The undermentioned Graduates have passed the examination for the degree of Master of Arts:—

#### *In Alphabetical Order.*

Bandyopādhyāy Jogendranāth  
Datta, Ishānchandra  
Majumdar Anandanath  
Mukhopādhyāy Kshetramohan  
Sen, Krishna Kumar  
Srirām

.. Sanskrit College.  
.. General Assembly's Institution.  
.. Calcutta Free Church Institution.  
.. Presidency College.  
.. Calcutta Free Church Institution.  
.. Delhi College.

J. SUTCLIFFE,  
*Registrar.*

CALCUTTA UNIVERSITY OFFICE,  
The 19th February 1872.

## Calcutta University.

## NOTICE.

THE Tagore Professor of Law will commence the delivery of a course of lectures at the Presidency College on Saturday, the 2nd March, at 9 A.M., on

*The history and constitution of the Courts and Legislatures in India.*

The lectures are open to the public, and tickets of admission (free of charge) will be granted on application to the undersigned.

The lectures will be continued on each succeeding Saturday till the end of the course.

J. SUTCLIFFE,  
UNIVERSITY OFFICE, *Registrar.*

*The 9th February 1872.*

## Opium Notification.

No. 69C.

NOTICE is hereby given that the Third Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-Room, No. 2, Bankshall Street, on Monday, the 4th March 1872, at 11 A.M., and will comprise 3,575 Chests, *r.v.*:-

Chests.

|                 |           |
|-----------------|-----------|
| Behar Opium ... | ... 2,000 |
| Benares ..      | ... 1,575 |
| <hr/>           |           |

Total Chests ... ... 3,575

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th March respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Saturday, the 9th March 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Tuesday, the 19th March 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates, should circumstances render it expedient to do so:—

| Dates.                                | Behar<br>about<br>Chests. | Benares<br>about<br>Chests. | Total<br>about<br>Chests. |
|---------------------------------------|---------------------------|-----------------------------|---------------------------|
| On or about Wednesday, 2nd April 1872 | 2,000                     | 1,575                       | 3,575                     |
| On or about Monday, 6th May           | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 6th June        | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 4th July        | 2,000                     | 1,575                       | 3,575                     |
| On or about Monday, 5th August        | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 5th Sept.       | 2,000                     | 1,575                       | 3,575                     |
| On or about Tuesday, 1st October      | 2,000                     | 1,575                       | 3,575                     |
| On or about Wednesday, 6th Nov.       | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 5th Dec.        | 2,000                     | 1,575                       | 3,575                     |
| Total Chests ...                      | 18,000                    | 14,175                      | 32,175                    |

By order of the Member in charge,

T. B. LANE,

BOARD OF REV., FORT WILLIAM, *Secretary.*

*The 30th January 1872.*

## Sheriff's Office, the 30th January 1872.

NOTICE is hereby given that the Second Criminal Session of the year 1872 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be held at the Court House, in the Town Hall of Calcutta, on Thursday, the Twenty-ninth day of February next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JOHN COWIE,  
*Sheriff.*

মন্তব্য আঁকড়া ১৮৭২ মাস ৩০ জানুয়ারি।

সমাচার দেওয়া যাইতেছে যে সুবে বাবা-মার কোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের কোজদারী বিচার নিষ্পত্য জন্য আগামি ২৯ ফেব্রুয়ারি বৃহস্পতিবার বেলা ১১ ঘটিকার সময় এবং যে পর্যন্ত সেশনার কায় শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার চৌনহালে হাই কোর্টের আদালত ঘরে মন ১৮৭২ মালের দ্বিতীয় ক্রিমিনেল সেশনার বসিবেক এবং এতদ্বারা প্রচার করা যাইতেছে যে, যে সকল ব্যক্তি কোন কয়েদীর বিকল্পে কোজদারী নিছন করিবেক তাহারা উক্ত স্থানে এ সময়ে হাজির থাকিয়া মোকদ্দমা করে।

JOHN COWIE,  
*Sheriff.*

Statement showing the importation of Salt (private property) in land and afloat on River Hooghly, subject to Customs' duty on the 16th February 1872.

|   | Government<br>Golabs. | Private<br>Golabs. | Afloat.  | Total.    |
|---|-----------------------|--------------------|----------|-----------|
|   | In Mds.               | In Mds.            | In Mds.  | In Mds.   |
| Liverpool Pungah ...  | 17,97,071             | 98,858             | 1,87,892 | 20,83,822 |
| French Kurkutch ...   | 2,402                 | .....              | 6,145    | 7,547     |
| Bondy ...   | 12,150                | .....              | 33,850   | 48,300    |
| Madras ...  | 25,714                | .....              | .....    | 25,714    |
| Arabian and Persian<br>Gulf Kurkutch<br>and Muscat Rock ... | 3,01,435              | ...                | 20,950   | 4,12,385  |
| Total ...   | 22,20,073             | 98,858             | 2,49,837 | 26,77,788 |

By order of the Board of Revenue, L.P.,

J. D. MACLEAN,

*Deputy Collector of Customs.*

CALCUTTA CUSTOM HOUSE,

*The 20th February 1872.*

## NOTICE.

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

| Date of Sale.   | Mark or Address of Packages.                    | Ships.         |
|-----------------|---|----------------|
| 1872, Feb. 24th | 1 Parcel, Khan Mahomed Dhurmsee, Esq., Calcutta | Meinam.        |
| Mar. 2nd        | 2 Cases (empty) J M                             | ... Syria.     |
| " 2nd           | 1 Case, J S W                                   | ... Khedive.   |
| " 9th           | 1 Parcel, A P                                   | ... Chinsurah. |
| " 9th           | 500 Boxes, [R M]                                | ... Krishna.   |
| " 9th           | 1,880 Boxes, [ ] I C                            | ... Ditto.     |
| " 9th           | 7 Boxes, no mark                                | ... Ditto.     |
| " 9th           | 1 Grindstone, C                                 | ... Ditto.     |
| " 16th          | 4 Cases, [20] P. and Co.                        | ... Sumatra.   |

CALCUTTA CUSTOMS,

The 20th February 1872.

J. A. CRAWFORD, Collector of Customs.

## NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be sold for the realization of duty, wharf rent, and other charges, under Section 56 of Act VI. of 1863:—

| Date of Sale.  | Mark or Address of Packages.          | Ships.              |
|----------------|---------------------------------------|---------------------|
| 1872, Mar. 8th | 20 Casks, [J S]                       | ... City of Madrid. |
| April 15th     | 2,289 broken pieces of Spelter, G B B | ... Gryfe.          |
| " 15th         | 4,362 ditto ditto, T J L              | ... Ditto.          |
| " 15th         | 709 Cakes of Spelter, A I             | ... Ditto.          |
| " 15th         | 712 ditto ditto, M                    | ... Ditto.          |
| " 15th         | 84 Broken pieces Spelter, no mark     | ... Ditto.          |
| " 27th         | 300 Cases, [J B B]                    | ... Antoinette.     |
| " 27th         | 6 Cases, [37] A. J. and Co.           | ... Ditto.          |
| " 21st         | 1 Case, [S] J N                       | ... Ghazeepore.     |
| " 21st         | 7,197½ Cakes of Spelter, J II         | ... Ditto.          |
| " 21st         | 1,574 Plates of Spelter, R J & N      | ... Ditto.          |
| " 21st         | 880 Plates of Spelter, [RB, W]        | ... Ditto.          |
| " 21st         | 15 Pieces of Spelter, mixed marks     | ... Ditto.          |

CALCUTTA CUSTOMS,

The 20th February 1872.

J. A. CRAWFORD, Collector of Customs.

## Commissioners for making Improvements in the Port of Calcutta.

## NOTICE.

UNDER SECTION C9 OF ACT V. (B.C.) OF 1870.

THE following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act:—

| Date of removal<br>to Import<br>Warehouse. | No., mark, and description.                     | Consignees.          | Ships.               |
|--|---|----------------------|----------------------|
| 1872.                                      |   |                      |                      |
| Feb. 6th                                   | 1 Case, [27] A. B. & Co.                        | ... Order            | ... City of Corinth. |
| " 6th                                      | 9 Packages, [A N D] A. B. & Co.                 | ... "                | ... Ditto.           |
| " 6th                                      | 4 Packages, B C P                               | ... "                | ... Ditto.           |
| " 6th                                      | 1 Case, B L D                                   | ... Bhamy Lall Dey   | ... Ditto.           |
| " 6th                                      | 2 Cases, B D C                                  | ... Ditto.           | ... Ditto.           |
| " 6th                                      | 1 Case, B G B C                                 | ... Order            | ... Ditto.           |
| " 6th                                      | 7 Cases, [B D S] A B                            | ... "                | ... Ditto.           |
| " 6th                                      | 9 Cases, F M E M                                | ... "                | ... Ditto.           |
| " 6th                                      | 3 Cases, [F E] A B                              | ... "                | ... Ditto.           |
| " 6th                                      | 100 Cases, F. G. & Co.                          | ... E. Osterly       | ... Ditto.           |
| " 6th                                      | 1 Cask, G. C. D. & Co.                          | ... Order            | ... Ditto.           |
| " 6th                                      | 9 Cases, G C D                                  | ... "                | ... Ditto.           |
| " 6th                                      | 5 Cases, [L M S L] A. B. & Co                   | ... "                | ... Ditto.           |
| " 6th                                      | 6 Packages, [M S M I] A B                       | ... "                | ... Ditto.           |
| " 6th                                      | 4 Cases, [M A] A B                              | ... "                | ... Ditto.           |
| " 6th                                      | 1 Case, M B C M C                               | ... "                | ... Ditto.           |
| " 6th                                      | 2 Cases, M                                      | ... "                | ... Ditto.           |
| " 6th                                      | 7 Packages, N. K. M. & Co., C                   | ... "                | ... Ditto.           |
| " 6th                                      | 1 Case, N C D C                                 | ... "                | ... Ditto.           |
| " 6th                                      | 2 Cases, addressed                              | ... Lord Ulick Brown | ... Ditto.           |
| " 7th                                      | 2 Packages, addressed                           | ... Dr. J. J. Wood   | ... City of Lahore.  |
| " 6th                                      | 3 Cases, [Bonnerjee & Co.] H. M. H. & Co. Order | ... City of Corinth. |                      |

CALCUTTA,

The 19th February 1872.

W. D. BRUCE, Vice-Chairman.

(1112-1)

Monthly Statement of Traffic passed through the Toll Stations in the District of Backergunge during the month of January 1872.

| Names of Toll Stations. | Rice.            | Paddy.           | Lime.            | Jute.            | Mustard Seed.    | Molasses.        | Linsed.          | Tobacco.         | Betelnut.        | Pulse.           |
|-------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
|                         | Number of boats. |
| Perozpur                | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              |
| Jhalokati               | ...              | 14,826           | 7,250            | 13               | 6,159            | 2,700            | ...              | ...              | 10               | 8,434            |
| Kowthali                | ...              | 249              | 270,347          | 188,650          | 7                | 5,403            | 2,700            | 22               | 51,343           | 26,985           |
|                         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|                         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|                         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Names of Toll Stations. | Khal.            | Sugar.           | Salt.            | Liquor.          | Coal.            | Sundries.        |                  |                  |                  |                  |
|                         | Number of boats. |
| Perozpur                | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              |
| Jhalokati               | ...              | 1                | 427              | 300              | 2                | 260              | 150              | ...              | ...              | ...              |
| Kowthali                | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              | ...              |
|                         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|                         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|                         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |

ZILLAH BACKERGUNGE, Collector's Office,

The 15th February 1872.

TULUMUL ALI, Deputy Collector, in charge.

## CURRENCY NOTES.

The following Currency Notes of the Government of India, Calcutta Circle, are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

## Notes wholly lost or destroyed.

| Register No. | No. of Notes. | Value. | Name of Claimant.              |
|--------------|---------------|--------|--------------------------------|
|              |               | Rs.    |                                |
| 4492         | A 59231       | 100    | Punchcowree Shah.              |
| 4493         | A 32353       | 20     |                                |
|              | A 90556       | 10     |                                |
|              | A 09326       | 20     |                                |
|              | A 43951       | 10     |                                |
| 4495         | A 74540       | 1,000  |                                |
|              | A 09233       | 100    |                                |
|              | A 16232       | 100    |                                |
|              | A 16233       | 100    |                                |
|              | A 21762       | 100    |                                |
|              | A 40712       | 100    |                                |
| 4498         | A 57154       | 50     | E. O. B. Smith.                |
| 4499         | A 71370       | 500    | Janokey Ram Baney              |
|              | A 15888       | 100    | Prosad.                        |
| 4505         | A 81282       | 50     | Hadjee Mahamed Kuriri.         |
| 4506         | A 11132       | 100    | Gepeeaunt Roy.                 |
| 4508         | A 58342       | 50     | J. Perrin.                     |
| 4510         | A 58368       | 500    | Denobundhoo Bhutta- charjee.   |
| 4511         | A 71819       | 1,000  |                                |
|              | A 88806       | 1,000  |                                |
| 4512         | A 69275       | 1,000  | Ditto ditto.                   |
| 4525         | A 81448       | 1,000  |                                |
|              | A 81449       | 1,000  |                                |
|              | A 81450       | 1,000  |                                |
|              | A 74183       | 1,000  |                                |
| 4427         | A 14319       | 100    | Messrs. Cohen Brothers and Co. |

## Notes partially lost or destroyed.

|      |         |     |                             |
|------|---------|-----|-----------------------------|
| 4494 | A 79084 | 100 | Rakhal Chunder Haldar.      |
| 4496 | A 86017 | 10  | Ruttunashur Mullick.        |
| 4497 | A 85246 | 100 | Radhamadub Mookerjee.       |
| 4500 | A 44257 | 100 |                             |
|      | A 21465 | 100 |                             |
|      | A 45384 | 100 |                             |
|      | A 47751 | 100 |                             |
|      | A 98092 | 100 |                             |
|      | A 43019 | 50  |                             |
| 4504 | A 03181 | 100 |                             |
|      | A 53531 | 50  |                             |
| 4507 | A 73431 | 100 |                             |
|      | A 51843 | 100 |                             |
| 4509 | A 49665 | 10  | Kissory Mohun Bose.         |
| 4514 | A 49879 | 10  |                             |
|      | A 18905 | 10  |                             |
| 4515 | A 41797 | 50  |                             |
| 4516 | A 82866 | 10  |                             |
| 4517 | A 47274 | 10  |                             |
|      | A 22933 | 20  |                             |
| 4520 | A 83381 | 100 |                             |
|      |         |     | Ramloll Ghose.              |
|      |         |     | Brindaban Reveetee Pershad. |

## Notes partially lost or destroyed.

| Register No. | No. of Notes. | Value. | Name of Claimant.                           |
|--------------|---------------|--------|---|
|              |               | Rs.    |   |
| 4521         | A 66946       | 500    | Goness Doss Joyram.                         |
| 4522         | A 59799       | 10     |   |
|              | A 98247       | 10     |   |
|              | A 60247       | 10     |   |
| 4523         | A 87177       | 20     |   |
|              | A 90667       | 10     |   |
|              | A 57515       | 10     |   |
| 4524         | A 82791       | 20     |   |
|              | A 96176       | 20     |   |
|              | A 03768       | 10     |   |
| 4526         | A 20963       | 100    | The Secretary, Great Eastern Hotel Company. |
| 4501         | A 82047       | 10     | G. H. Cataina.                              |
| 3116         | A 93728       | 10     |   |
|              | A 17539       | 10     |   |
| 4485         | A 76254       | 10     |   |
|              | A 77564       | 10     |   |
| 4180         | A 73251       | 20     | Woomanundo Chuckerbutty.                    |
| 4482         | A 02417       | 100    |   |
|              | A 41380       | 100    |   |
|              | A 13684       | 100    |   |
|              | A 07872       | 100    |   |
| 4483         | A 47443       | 20     |   |
|              | A 72554       | 20     |   |
|              | A 31920       | 20     |   |
|              | A 12610       | 10     |   |
|              | A 72707       | 10     |   |
|              | A 85740       | 10     |   |
|              | A 22918       | 10     |   |
|              | A 81875       | 10     |   |
|              | A 95611       | 10     |   |
|              | A 30022       | 10     |   |
|              | A 95717       | 10     |   |
|              | A 55955       | 10     |   |
|              | A 33129       | 10     |   |
|              | A 96230       | 10     |   |
|              | A 21803       | 10     |   |
|              | A 97571       | 10     |   |
| 3562         | A 15673       | 10     |   |
|              | A 75222       | 10     |   |
|              | A 90056       | 10     |   |
| 2553         | A 15326       | 10     | J. S. R. Clak                               |

## Wrongly joined.

|      |         |    |                            |
|------|---------|----|----------------------------|
| 4502 | A 90563 | 10 | Messrs. Baker and Catliff. |
|      | A 91672 | 10 |                            |
| 4518 | A 13601 | 10 | Cally Doss Chatterjee.     |
|      | A 13603 | 10 |                            |
| 4519 | A 85193 | 10 | Nobin Chunder Chatterjee.  |
|      | A 77663 | 10 |                            |

L. BERKELEY,

Asst. Commr. of Paper Currency.

PAPER CURRENCY DEPARTMENT,

The 5th February 1872.

## Notice

Is hereby given that the undermentioned lot of waste land, estimated to consist of about 2,000 acres, more or less, situate in Mouzah Ekortelli, Mehal Deenjoz, in the district of Luckimpore, and bounded as shewn at the foot of this notice, has been applied for under the "Rules for the sale of unassessed land in the Lower Provinces of Bengal," (Chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 an acre, on the 2nd May of 1872, at the office of the Deputy Commissioner of Luckimpore. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. S. CLARKE,  
Deputy Commissioner.

Dy. COMM'R'S. OFFICE, LUCKIMPORE,  
The 1st February 1872.

## 1. Lot.

## Boundaries.

North—Maijan River.  
South—Sessa Nuddee and Ryotts' Basti lands.  
East—Nadooa Grant.  
West—Barra Bineel, Farlong Nuddee, and Ryotts' cultivated lands.

## Notice

Is hereby given that a lot of waste land, consisting of about 718 acres, situated in Mouzah Tingrai, Mehal Tingrai, District of Luckimpore, Assam, and bounded as shown at the foot of this notice, has been applied for under the rules for the sale of unassessed lands in the Lower Provinces of Bengal (chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2-8 an acre on the 2nd day of May 1872, at the Office of the Deputy Commissioner of Luckimpore, Assam. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. C. S. CLARKE,  
Dy. Commr., Luckimpore.

DEBROOGURH DY. COMM'R'S OFFICE,  
The 3rd February 1872.

## LOT 1.

## Boundaries.

North—Tingrai Nuddee.  
South—Balijan Garden and a Path.  
East—Chapori.  
West—Tingrai Nuddee.

## Nuddee Rivers.

Weekly Water Report shewing the least depth of water in the Bhaugiruttee River for the week ending Friday, 16th February 1872.

| NAMES OF PLACES, &c.                       | Least depth of Water. | REMARKS.  |     |
|--|-----------------------|---|-----|
|  |                       | FT.   | IN. |
| On the Entrance Bar ...                    | 4 6                   |   |     |
| From thence to Jungipore, 9 miles ...      | 5 0                   |   |     |
| From Jungipore to Berhampore, 47 miles ... | 3 6                   |   |     |
| From Berhampore to Cutwa, 50 miles ...     | 3* 0                  | * In one place only boats drawing 4 feet can pass up and down easily. |     |
| From Cutwa to Nuddee, 46 miles ...         | 4 0                   |   |     |

Height of water on gauge at Berhampore on the 19th February 1872, above zero 5 feet 7 inches.

T. H. WICKES, C.E.,  
Exe. Engr., Nuddee (Local) Rivers Division,  
BERHAMPORE,  
The 19th February 1872.

## Insolvent Notices.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Walter } On Saturday, the 3rd Charles Child, an Insolvent. } day of February instant, it was ordered that the creditors of the said Insolvent in Calcutta do within four months, and all other creditors of the said Insolvent do within six months, from the date of the order, file in the office of the Chief Clerk of this Court a statement of their respective claims against the Estate of the said Insolvent duly verified by affidavit, and that the Chief Clerk do form a schedule from the claims so to be filed.

Carruthers and Dignam, Attorneys.

In the matter of John } On Monday, the 5th Allan Grover Gilmour, } day of February instant, an Insolvent. it was ordered that Saturday, the 6th day of April next, be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent at the time of the filing of his petition for relief.

Rogers and Remfry, Attorneys.

In the matter of Frederick Andrew Cohen, an Insolvent. } On Thursday, the 1st day of February instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 6th day of April next, and that the said Insolvent do then attend to be examined before the said Court.

C. W. Hatch, Attorney.

In the matter of Mud- } On Saturday, the 3rd  
doosoodun Addy, an In- } day of February instant,  
solvent. } an account of the re-  
ceipts and disbursements of the Official Assignee,  
from the 1st day of April 1869 to the 31st day  
of January last, was filed in the office of the  
Chief Clerk, and it was ordered that Saturday, the  
2nd day of March next, be appointed for the fur-  
ther hearing of this matter for the purpose of  
making a dividend.

*Any creditor or other person interested,  
who may intend to establish or oppose any claim  
upon the Estate of the said Insolvent, may attend  
and be heard having given notice to the Chief Clerk  
three clear days before the day of hearing.*

A. B. Miller, Official Assignee.  
Chief Clerk's Office, the 12th February 1872.

In the matter of Richard Chuffon Lepage, Junior, lately carrying on business as contractor and agent, under the name and style of R. C. Lepage, Junior, and Company, at No. 4, Dalhousie Square, an Insolvent. On Thursday, the 15th day of February instant, it was on the petition of Messrs. Moonkerjee, Clark and Company, and Balmer, Lawrie and Company, creditors of the said Insolvent, adjudged that the said Richard Chuffon Lepage, Junior, hath committed an act of insolvency under the provisions of the Act XI. Vic., cap. 21, and by another order of the same date the estate and effects of the said Insolvent were vested in the Official Assignee.

Sims and Mitter, Attorneys.

In the matter of Parke Pittar, an Insolvent. On Saturday, the 3rd day of February instant, by an order of this Court the said Insolvent was adjudged entitled to his personal discharge under the Act XI. Vic., cap. 21, as to all persons named in his schedule as creditors or claiming to be creditors respectively.

Berners and Co., Attorneys.

In the matter of Parke Pittar, an Insolvent. On Monday, the 12th day of February instant, it was ordered that the first court day in March 1873 be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent at the time of the said Insolvent being adjudicated.

Berners and Co., Attorneys.

In the matter of Parke Pittar and Thomas Alcock, Insolvents. On Saturday, the 3rd day of February instant, by an order of this court the Insolvent Parke Pittar was adjudged entitled to his personal discharge under the Act XI. Vic., cap. 21, as to all persons named in his joint schedule as creditors or claiming to be creditors respectively.

Berners and Co., Attorneys.

In the matter of Parke Pittar and Thomas Alcock, Insolvents. On Monday, the 12th day of February instant, it was ordered that the first court day in March 1873 be appointed for the

further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent Parke Pittar be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent Parke Pittar at the time of the said Insolvent being jointly adjudicated.

Berners and Co., Attorneys.

In the matter of John Allan Grover Gilmour, an Insolvent. On Saturday, the 3rd day of February instant, by an order of this court the said Insolvent was adjudged entitled to his personal discharge under the Act XI. Vic., cap. 21, as to all persons named in his schedule as creditors or claiming to be creditors respectively.

Rogers and Remfry, Attorneys.  
Chief Clerk's Office, the 20th February 1872.

#### Post Office Notification.

*List of remaining and unclaimed letters accumulated in the Calcutta Post Office during the week ending 17th February 1872.*

|                       |                           |
|-----------------------|---------------------------|
| Austin, Major R.      | Kendale, C. P. L.         |
| Arakel, Mrs.          | LaFolie, Mrs.             |
| Atkinson, E. B.       | Lindau, E.                |
| Anderson, Mrs. M.     | Lindley, F.               |
| Braham, F. E.         | Lattey, D. B.             |
| Barber, Mrs. S.       | Lockwood, R.              |
| Parker, J. C.         | Malot, E.                 |
| Brahan, Mrs.          | Montgomerie, Major T. G.  |
| Bailey, Mrs.          | McGill, G. A.             |
| Bramber, R.           | Mackie, J.                |
| Badford, Capt. I. H.  | Moles, E. B.              |
| Chary, J. R.          | Madge, E.                 |
| Cantopher, W. E.      | Manuel, E.                |
| Craig, J.             | McNeil, Mrs. J.           |
| Christian, Mrs. H. E. | Mussanur Rookreem         |
| Christian, F.         | Omeda.                    |
| Caddy, A. E.          | Nuttall, C.               |
| Dudley, Mrs. M.       | N. Y.                     |
| Drummond, Col. H.     | Nicholson, Mrs. G.        |
| DeFountain, Mrs. A.   | Paul, Miss. A. C.         |
| Dollman, C.           | Panioty, J. C.            |
| Donlevy, H.           | Right, Mrs.               |
| Drury, H.             | Rodrigues, Mrs. M. A.     |
| Doon, Esq.            | Rebbeck, J. K.            |
| Emmer, C. W.          | Robertson, R. D.          |
| Edwards, Mrs.         | Shearman and Co.          |
| Evans, A. M.          | Simpson, Major G. B. C.   |
| Fauneval, Mrs. M.     | Simpson, A. B. and Co.    |
| Guthery, J.           | Swiney, W. S.             |
| Green, J.             | Saunders, Mrs.            |
| Gray, H.              | Savage, E.                |
| Gardener, H.          | Tardival and Co.          |
| Green, J.             | Tannar, Major.            |
| Grant, L. W.          | The Proprietor "Prince of |
| Greig, J.             | Wales Hotel."             |
| Grant, F.             | The Agents of Rowland's   |
| Hutchinson, F.        | Articles, Chemist Bazar   |
| Hatch, Col. H.        | Dealer.                   |
| Hart, J.              | Viewing, Mrs. E.          |
| Holmes, C.            | Valeking, W.              |
| Islandford, Lady.     | Williams and Co.          |
| Johans, A. T.         | Wilson, Mrs.              |
| Jacobs, Mrs. M.       | Weekes, A.                |
| Joseph, Mrs. J.       | Westhorp, Mrs.            |
| Jones, D.             | Wyllie, H.                |
| Keay, J. S.           | Walker, I. E.             |
| Kemp, Miss.           | Walsh, H.                 |

W. H. McGOWAN,  
Post-Master,

CALCUTTA,  
The 19th February 1872.

## Postal Notice.

## SEA AND OVERLAND MAIIS.

| For  | Box closes at | Date.     | Per Steamer. |
|--|---------------|-----------|--------------|
| Ceylon, Penang, Singapore, Hong-Kong, China and Japan. | 7 P.M.        | 24th Feb. |              |
| Chittagong, Akyab, and Kyauk Phyoo.                    | 7 ,,          | 26th ,,   | Penang.      |
| Rangoon, Meulmein, Pe-nang, Malacca, and Singapore.    | 7 ,,          | 26th ,,   | Madras.      |
| Madras and Ceylon                                      | 7 ,,          | 28th ,,   | Ladus.       |

The next Overland Mail *via* Bombay will close on Friday, the 23rd February 1872.

2. Book Post and Pattern Packets must be posted on the 22nd.

*N.B.*—The letter box will close at 7 P.M. precisely, after which hour Overland letters fully prepaid and bearing extra postage stamp of two annas on each cover will be received up to 7:30 P.M., or bearing an extra postage stamp of four annas on each cover up to 8 P.M., and after 8 up to 9 P.M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

W. H. McGOWAN,  
CALCUTTA, Post-Master.  
The 20th February 1872.

## Miscellaneous Advertisements.

## Notice.

THE quit-rent of the undermentioned lease, in the district of Darjeeling, being in arrear, notice is hereby given that if the amount due from the location be not paid within two months from this date, the lease remaining unpaid will be resumed by Government under supplementary Rule 1 for grant of location at Darjeeling:—

| No. of lease. | Name of lessee. | Amount.                  |
|---------------|-----------------|--------------------------|
| 176           | G. B. Ward      | Rs. As. P.<br>... 50 0 0 |

B. W. D. MORTON,  
*Dy. Commissioner.*  
Dy. COMM'R'S OFFICE, DARJEELING,  
The 12th January 1872.

## Notice.

WANTED a Head Clerk for the Police Department of this Office. The salary of the post is Rs. 80 per month, and the qualifications required are previous employment in the Police Department, Bengal; a thorough knowledge of the Rules, Circular Orders, and Returns of that Department, and the ability to docket and draft letters and prepare short summaries of correspondence.

Apply, post paid, to the undersigned, sending copies of testimonials.

By order,  
J. J. S. DIBERG,  
*Off. Persl. Asst. to the Agent Govr. Genl.,  
N. E. P., & Commr. & Inspector-Genl.  
GOWHATTY, of Police, Assam.*  
The 3rd February 1872.

## Notice.

WANTED a Peshkar for the Collector's Office of Maldah. Salary Rs. 40 per month, to rise to Rs. 60 by biennial increase of Rs. 2 per month. Candidates should submit their applications with copies of certificates on or before the 26th instant, so that the appointment may be disposed of on the 1st March following.

SITAKANT MOOKERJEE,  
*Dy. Collector in charge, for Collector.*  
MALDAH COLLECTORATE,  
The 16th February 1872.

## Wanted

A TRANSLATOR, who must be able to translate documents from Urdu in to English and *vice versa*, and also to draft letters and draw up periodical returns in English from Urdu papers. Salary Rs. 80.

No application need be submitted without certified copies of testimonials.

J. BURN, Lt.-Col.,  
*Manager, Raj Durbhunngah.*

## Wanted

A Head Clerk and Translator for the Judicial Department, Deputy Commissioner's Office, Luckimpore, Assam. Salary Rs. 90 per mensem. A competent knowledge of English necessary. None but persons who have had experience in a District Magistrate's Office need apply. Copies of certificates to be sent, with applications, to the address of the Deputy Commissioner, Luckimpore, Assam.

W. A. LAWRENCE,  
*Assistant Commissioner, in charge.*  
Z.H. LUCKIMPORE, Dy. COMM'R'S. OFFICE,  
The 24th January 1872.

## Notice.

THE FORTIETH Ordinary Half-Yearly General Meeting of the Shareholders of the Calcutta Docking Company, "Limited," will be held at the City Office, No. 9, Strand, at 11 o'clock in the forenoon on Tuesday, the 27th instant.

By order of the Directors,  
W.M. DURHAM,  
*Superintendent.*  
DOCKING PREMISES, HOWKH,  
CITY OFFICE, NO. 9, STRAND,  
The 12th February 1872. (1104-2)

## Eastern Bengal Indigo Co., "Limited."

NOTICE.  
THE Ninth Annual Ordinary General Meeting of Shareholders of the above Company will be held at its registered Office, No. 3, Church Lane, at 3 P.M., of Wednesday, the 28th instant, to receive the Directors' report, pass the accounts for the past year, and transact any other business that may be brought before the Meeting.

By order of the Directors,  
WILLIAM MORAN AND CO.,  
*Agents.*  
3, CHURCH LANE,  
The 16th February 1872. (1107-2)

**STATEMENT of Government Promissory Notes enfrased for payment of interest in London, under deduction of amount re-transferred to India, and outstanding in the books of the Bank of Bengal on the 15th February 1872.**

| PARTICULARS.   | 4 PER CENT. LOAN  | 41 PER CENT.   |  | 5 PER CENT.                      |                                    | DEBENTURES FOR<br>5 years at<br>5 per cent. | 10 years<br>at 5 per<br>cent. | 15 years<br>at 5 per<br>cent. | Total<br>amount.    |
|--|-------------------|--|--|----------------------------------|------------------------------------|---|-------------------------------|-------------------------------|---------------------|
|  |                   | P. W. of 1863-64.<br>of 1863-65.<br>of 1863-66.<br>of 1863-67. | P. W. of 1864-65.<br>of 1864-66.<br>of 1864-67.  | P. W. of 1865-66.<br>of 1865-67. | Loan of<br>1865-66.<br>of 1865-67. |   |                               |                               |                     |
| Balance of 31st January 1872   | ... 63,100        | 20,374   | 2,990 19,58,630 30,97,300 1,45,79,400 1,21,73,500 1,30,34,500 14,500 33,75,300 3,77,600 2,18,75,900        | ...                              | 1,09,57,100 4,04,93,000            | 22,81,000                                   | 33,11,000                     | 35,50,000                     | 13,59,85,034        |
| ADD  |                   |  |  |                                  |                                    |   |                               |                               |                     |
| Amount enfrased at Madras between<br>1st and 15th February 1872  | ... ...           | ...  | ...  | 9,000                            | ...                                | ...   | ...                           | ...                           | 1,07,100            |
| Amount enfrased at Bombay between<br>1st and 16th February 1872  | ... ...           | ...  | ...  | ...                              | 31,600                             | ...   | 63,100                        | ...                           | 1,24,600            |
| Amount enfrased at Calcutta between<br>1st and 15th February 1872  | ... ...           | ...  | ...  | 29,000                           | 19,000                             | ...   | ...                           | ...                           | 1,24,000            |
| <b>TOTAL</b>   | <b>... 53,100</b> | <b>20,374</b>  | <b>£,880 19,58,630 30,97,300 1,45,98,400 1,21,92,500 1,30,84,600 14,500 34,30,200 8,77,600 2,12,98,500</b> | <b>...</b>                       | <b>1,09,57,100 4,12,99,700</b>     | <b>22,81,000</b>                            | <b>33,11,000</b>              | <b>38,50,000</b>              | <b>13,69,62,534</b> |
| DEDUCT   |                   |  |  |                                  |                                    |   |                               |                               |                     |
| Amount written off in the London<br>Registers ...  | ... ...           | ...  | 43,800   | 13,500                           | 71,500                             | 5,000                                       | ...                           | 3,13,600                      | 12,51,600           |
| Balance on 15th February 1872  | ... 53,100        | 20,374   | £,880 19,58,630 30,97,300 1,45,98,39,000 1,20,84,200 1,30,13,100 11,500 34,23,200 8,77,600 2,12,98,500     | ...                              | 1,02,58,600 4,18,98,700            | 22,81,000                                   | 33,11,000                     | 38,50,000                     | 13,57,11,234        |
| <b>NOTE.—</b> From 9th June 1867 to 15th Dec. 1871—Enfrased from India 1,243 lakhs, re-transferred from London ... 1,188 lakhs.<br>From 16th Dec. 1871 to 30th " ditto ditto 45 " ditto ditto 70 "<br>From 1st Jan. 1872 to 15th Jan. 1872 ditto ditto 34 " ditto ditto 25 "<br>From 16th " to 31st " ditto ditto 27 " ditto ditto 31 "<br>From 1st Feb. " to 15th " ditto ditto 10 " ditto ditto 12 " |                   |  |  |                                  |                                    |   |                               |                               |                     |
|  |                   |  |  |                                  |                                    |   |                               |                               | 1,359,1,326 lakhs.  |

Geo. Dickson,  
*Secretary and Treasurer.*

|                       |               |
|-----------------------|---------------|
| Balance against India | ... 33 lakhs. |
|-----------------------|---------------|

PUBLIC DEBT OFFICE, BANK OF BENGAL, CALCUTTA,  
*The 19th February 1872.*

**Statement of the Affairs of the Bank of Bengal for the Week ending  
10th February 1872.**

| LIABILITIES.  | Rs. As. P.       | ASSETS.   | Rs. As. P.       |
|---|------------------|---|------------------|
| Proprietors' Capital, paid-up ... ...                             | 2,20,00,000 0 0  | Government Securities ... ...   | 93,77,000 12 0   |
| Reserve Fund ... ...  | 15,40,869 7 0    | Loans on Government Securities at Head Office and Branches ... ...              | 83,30,083 12 10  |
| General Treasury Balance at Head Office ... Rs. 3,70,75,803 10 11 | 5,79,80,864 4 4  | Accounts of Credit on Government Securities at Head Office and Branches ... ... | 1,77,67,319 0 6  |
| General Treasury Balance at Branches ... Rs. 2,09,11,060 9 5      |                  | Mercantile Bills discounted at Head Office and Branches ... ...                 | 1,92,57,409 9 4  |
| Other Deposits at Head Office and Branches ...                    | 2,27,52,430 1 5  | Dead Stock ... ...  | 11,86,041 2 9    |
| Bank Post Bills, &c. ... ...                                      | 14,66,122 2 7    | Stamps ... ...  | 14,736 11 0      |
| Sundries ... ...  | 7,73,683 2 10    | Balances with other Banks ... ...   | 4,10,477 6 11    |
|   |                  | Sundries ... ...  | 1,40,195 10 4    |
|   |                  |   |                  |
|   |                  | Cash and Currency Notes at Head Office ... Rs. 1,65,99,120 8 4                  | 6,64,08,924 1 8  |
|   |                  | Cash and Currency Notes at Branches ... Rs. 3,31,22,421 8 2                     | 5,00,21,645 0 6  |
|   |                  |   |                  |
|   | 10,65,20,469 2 2 |   | 10,65,20,469 2 2 |

BANK OF BENGAL.  
Calcutta, 10th February 1872.

J. GORDON,  
Chief Accountant & Deputy Secretary.

GEO. DICKSON,  
Secretary and Treasurer.  
(1106-1)

By order of the Directors.

**Public Zemindari Sale.**

THE right, title, and interest of Ramsewak Missir and Raghonandan Missir, deceased, and Jadoonandan Missir, Insolvents, in the following valuable zemindaries, situate in the District of Ghazipore, in the North-Western Provinces, now vested in the Official Assignee, will be put up to auction sale at Ghazipore, adjoining the Collectorate compound, at noon on Friday, the 15th day of March 1872, by the undersigned:—

| Lot. | Names of Talookas.                        | Names of Mouzahs appertaining to each Talooka.   | Area of Insolvents' share.  | Jamma of Ditto.  | Government Revenue payable for Ditto.                              |            |
|------|---|--|---|--|--|------------|
|      |   |  |   |  | B. K. D.   | Rs. As. P. |
| 1    | Talooka Buxoopoer, Pergunnah Ghazipoor.   | Buxoopoer  | 337 10 5  | 930 9 0  | 576 5 0  |            |
| 2    | Talooka Chilla, Pergunnah Sydpoor ...     | Chilla and Kirpalchuk Luchmanpoor and Sirkitha   | 1,089 17 11<br>480 18 0   | 2,093 9 0<br>1,095 6 6   | 1,066 9 3<br>558 12 3  |            |
|      |   | Total  | 1,580 15 11   | 3,188 15 6   | 1,625 5 6  |            |
| 3    | Talooka Flingootar, Pergunnah Mahaitch    | Flingootar<br>Runpoor  | 1,585 11 5<br>598 13 10   | 4,167 6 3<br>1,716 13 3  | 2,603 13 3<br>1,025 15 0   |            |
|      |   | Total  | 2,184 4 15  | 6,184 3 6  | 3,629 12 3   |            |
| 4    | Talooka Nooroodipoor, Pergunnah Khanpoor. | Nooroodipoor   | 1,481 9 1   | 4,115 0 3  | 1,833 2 6  |            |
| 5    | Talooka Mundra, Pergunnah Shadiabad       | Puttee Munsa Rae<br>Puttee Oomrao Rae<br>Puttee Duswant Rae<br>Puttee Kemar Rae<br>Mouza Dhamraon<br>Mouza Hamzapoor | 264 11 10<br>399 16 10<br>213 10 5<br>149 10 5<br>86 12 0<br>177 13 0 | 996 6 3<br>1,182 5 3<br>683 4 0<br>460 6 0<br>196 6 3<br>331 1 3 | 390 9 10<br>554 12 5<br>220 14 8<br>190 12 1<br>69 4 2<br>154 11 0 |            |
|      |   | Total  | 1,202 2 10  | 3,849 13 0   | 1,581 0 2  |            |

For conditions of sale and further particulars, apply at the Office of

BUXAR,  
The 16th February 1872.

PHILIP W. CARTER,  
Official Assignee's Agent, Buxar.  
(1108-1)

**The Dehing Company, " Limited."**

THE Seventh Ordinary Annual General Meeting of Shareholders in this Company will be held at the registered Office, No. 4, Clive Street, on Wednesday, the 28th February 1872, at noon, for the purpose of receiving the Directors' report, and for the consideration of such other business as may be brought forward.

JOHN ELLIOTT & Co.,  
Managing Agents.

CALCUTTA,  
The 19th February 1872. (1109-2)

**Central Provinces Gazetteer.**

EDITION OF 1870 in one VOL.

A LIMITED number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per vol., exclusive of postage charge. Apply to

MESSRS. THACKER, WINNING, BOMBAY,  
MESSRS. THACKER, SPINK & CO., CALCUTTA,  
or to Supdt., Chief Commr.'s Office, NAGPUR.

*In the High Court of Judicature at Fort William  
in Bengal.*

ORDINARY ORIGINAL CIVIL JURISDICTION.

Maharajah Sibkristo Bahadoor  
*versus*

Kristo Chunder Ghose and others

NOTICE is hereby given that on the afternoon of Wednesday, the 28th February current, Charles John Wilkinson, Esq., Receiver of the High Court, will put up at his Office for lease the several undermentioned zamindaries, talooks, lands, premises, &c., belonging to the estate of Rajah Rajkissen Bahadoor, deceased, upon such terms and conditions as can be ascertained upon application to him, that is to say:—

1ST LEASE.

*In Zillah Tipperah.*—Pergunnah Gungamondle, &c., recorded in the register of the Collector as No. 31, including the churs appertaining thereto.

2ND LEASE.

*In Zillah 24-Pergunnahs.*—Pergunnah Mooragatcha, &c., Pergunnah Hattiaghur, &c., registered in the Collectorate as No. 155, including the lackraj grounds in Pannah and Rogoonauthpore, and lands with julkur on each side of the Mohotian road from Behallah to Coolpey, Kismuts Panihattee, Aughurparrah, and Bhoubanipore, Mouzah Natagur, with gardens, julkur, &c.

3RD LEASE.

Tanks and fruit trees of the Aughurparrah garden.

4TH LEASE.

*In Zillah Hooghly.*—Kismut Barbackpore alias Barruckpore, &c., registered in the Collectorate as Lots Nos. 176 and 3969, with Goody Mohel, and Kismut Baji Sreerampore, &c., Kismuts Bunshye, Surnoparrah, Mohendropore, and Banepore, &c., registered as Lot No. 3968.

5TH LEASE.

*In Calcutta.*—Talook Sootanooty, Bazar Sootanooty, with the tenanted ground thereto belonging. Charles' Bazar, Sham Bazar grounds, Baug Bazar grounds, and Cooley Mohul, Dhurrumtollah ground, called Fuchelwallah ground, Chandnee ground, Jorasanko ground, Sona Bazar ground, called Bytuckhannah Mehal, Sona Bazar house, called Monohur Mookerjee's Mehal, Sona Bazar ground, called Mohul Mattah Gossamy, Sona Bazar ground, called Mohul Cally Sunker Neogy, Radha Bazar godowns, and ground called Rancewallah Bally in Toola Bazar, Jora Bagan ground and house at Hogulkooreeah, ground called Gopeebagan, &c., with julkur, Intally, Jaun Bazar, and Seedooreahputty grounds, &c.

*In Zillah 24-Pergunnahs.*—Gardens at Baranagore and Duckinshur with tenanted grounds; also Mouzahs Sitty and Joypore, and grounds at Suntgachee and Duckin Rauree.

*In Zillah Krishnaghur.*—Ground and tank at Mullick Baug near Kanchraparrah.

For further particulars, apply at the Receiver's Office, No. 4, Strand.

The 8th February 1872.

(1105—2)

Notice.

A special meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall on Thursday, the 29th instant, at 11 o'clock A.M., for the following purposes:—

1. The Chairman to lay on the table report of the administration of the Municipality for the year 1871.

2. The Chairman to submit for consideration, in accordance with the resolution passed by the Justices at their quarterly meeting held on the 15th January 1872, plans for a new Municipal Office, and estimate prepared by Messrs. Mackintosh, Burn & Co., approved by the Engineer to the Justices, for construction of the building.

3. The Chairman to submit for consideration report of Finance and Water-supply Committees on the arrangements proposed for increasing the supply of water.

4. The Chairman to propose "that a special committee of seven Justices be appointed for the purpose of inspecting every jute warehouse existing within the town of Calcutta, and reporting such warehouses as can be licensed without risk to life and property in the neighbourhood thereof."

5. The Chairman to draw attention to the provisions of section 5 of the "Jute Warehouse and Fire Brigade Act" regarding the payment of fees to members of the aforementioned special committee, with a view to the amount of said fees being settled by the Justices.

6. The Chairman to move "that it be an instruction to the aforesaid special committee to report on the establishment which should be entertained for working the Act, and also the arrangements necessary for providing Calcutta and the Suburbs with a thoroughly efficient Fire Brigade."

7. At close of the proceedings, the Chairman will vacate the chair in favor of Lord Ulick Browne, who has been appointed to officiate as Chairman of the Justices during Mr. Hogg's absence on leave.

ROBERT TURNBULL,  
*Secretary to the Justices.*

CALCUTTA,  
The 20th February 1872

(1110—1)

Notice.

COPIES of Act VII of 1871, the Indian Emigration Act, in Urdu and Hindoo, can be obtained on application at the Bengal Secretariat at 8 annas per copy.

W A S T E L A N D R U L E S.

Being Chap. XXVI. of the Rules of the Board of Revenue

Price, 4 annas. Packing and postage charges, 2 annas extra.

Calcutta: Office of Supdt. of Government Printing,

No. 8, Hastings Street.

The Indian Financial Almanack for 1872,  
Price 4 annas; postage 1 anna.

Selections from Unpublished Records of  
Government for the years 1748 to 1767 inclusive.  
Relating mainly to the social condition of Bengal  
With a Map of Calcutta in 1784. By the Rev. J  
Long, Member of the Government Record Commis-  
sion. Price Rs. 5; packing and postage 1 Rupee  
extra.

Selections from Calcutta Gazettes of the  
years 1816 to 1823 inclusive, showing the political  
and social condition of the English in India upwards  
of fifty years ago. By Hugh David Sandeman, C.S.,  
Accountant-General, Bengal, and Member of the  
Record Commission. Volume I, 3 Rs., and Volumes  
II, III, IV, and V, at 5 Rs. each; packing and  
postage 1 Rupee extra.

*The above to be had at the Office of Superintendent of  
Government Printing, 8, Hastings Street, Calcutta.*

*Just Published.*

**Bengal Official Army List.**

*Corrected up to 1st January 1872.*

THE Official Quarterly Army List of H. M.'s  
Forces in Bengal, to which is added a non-official  
Supplement, containing the latest corrected Civil  
List, &c. &c. Price Rs. 5, and 8 annas extra for  
packing and postage.

Calcutta : Office of Supdt. of Government Printing,  
No. 8, Hastings Street.

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# APPENDIX TO The Calcutta Gazette.

WEDNESDAY, FEBRUARY 21, 1872.

## ADVERTISEMENT OF SALE.

NOTICE is hereby given that the undermentioned plots of lands no longer required by the Government, situated in the District of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 4th of March 1872, corresponding with 9th Fagooon 1279 F.S.

2. The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue free to the highest bidders above the upset price.

| Number in State-<br>ment of Govern-<br>ment Estate. | Number on the<br>District Roll. | Name of Estate and Pergunnah. | Approximate area<br>in acres. | Upset Price. |            |
|---|---------------------------------|-------------------------------|-------------------------------|--------------|------------|
|   |                                 |                               |                               | A. R. P.     | Rs. As. P. |
| .....   | .....                           | Pukri; Pergunnah Arrah .. ... | 3 0 3                         | 45 0 0*      |            |
| .....   | .....                           | Ditto ... ... ...             | 1 1 37                        | 25 0 0       |            |

D. BARBOUR, *Deputy Collector. for Offy. Collector.*

SHAHABAD COLLECTORATE,  
The 6th December 1871.



APPENDIX (No. II.) TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 21, 1872.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI, Act XI. of 1859, that the undermentioned Estate in the district of Furreedpore will be put up to public and unreserved sale, at the Collector's Office of that district, on the 4th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 2793.—Taluk Amanullah, in Pergunnah Jalalpur; recorded proprietors, Amanullah and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs 1,515-4-3 $\frac{1}{2}$ . This mehal will be sold for recovery of Rs. 32-13-0 $\frac{1}{2}$  on account of arrears of Government revenue.

A. J. FRASER, *Deputy Collector in charge.*

FURREEDPORE COLLECTORATE,  
The 27th January 1872.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tirhoot will be put up to public and unreserved sale, at the Collector's Office of that District, on Wednesday, the 28th February 1872, corresponding with the 4th Phalgoon 1279 Fuslee, for arrears of revenue due on the 12th January 1872:—

No. 1886.—Mudunpore Bisnath, Pergunnah Mahilla; recorded proprietors, Audit Sahai and others; sudder jumma, Rs. 670-1-7.

The share of Audit Sahai only, with sudder jumma of Rs. 28-12, will be sold for recovery of Rs. 5-7 on account of Government revenue.

TIRHOOT COLLECTOR'S OFFICE,  
The 22nd January 1872.

F. M. HALLIDAY, *Collector.*

اس تحریر کے رو سے خاص و عام کو دفعہ ۶ اکتوبر ۱۸۵۹ء کے مطابق اطلاع دی جائے ہی کا  
علائقات موسومہ دیال موقوعہ ضلع ترہت بعلت زر باقی و غرہ مطالبه جنکو قوانین اور اکتوبر مستحبہ کے را  
سے وصول کرنا جائز ہی اور اوس زر باقی اور مطالبه کو تاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ء کے تاریخ غایت  
ادای مالگذاری سرکار اد کرنا واجب تھا بالضور تاریخ ۲۸ ماہ فبراہری سنہ ۱۸۷۲ء کے مطابق چہار ماہ  
پہاگن سنہ ۱۸۷۹ء فصلی روز چہار شنبہ کھپری کلکٹری ضلع ترہت میں نیلام ہوا ہے۔

نمبر ۱۸۸۶ توزیع۔ محل مدنپور بشنائیہ پر گندہ مہلا کہ جسکے خانہ مالگذاری میں نام ادت ہبای و غرہ ۶  
مندرج ہی اور مبلغ ۶۷۰-۱-۷ بعلت باقی مالگذاری سرکار اوسیکے جمع صدر ہی اور اس محل میں بعد  
منہایی حصہ میاں تنسیم جنکا حصہ مطابق دفعہ ۳۳ قانون نوزدھم سنہ ۱۸۱۶ء کے بتعداد ۶۵۶۰.۵-۷ زد  
بتوارہ ہو چکا ہی باقی موازی ۱۱۵ گنڈا حصہ ادت ہبای مالک بتعداد ۴۳-۱۲ صدر جمع بعلت اباقی میا  
۷۔ باقی مالگذاری سرکار کے نیلام ہو گا۔

لف: ام: ہلیڈی

کلکٹر

المرقوم ۲۲ جنوری سنہ ۱۸۷۲ء

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estates, in the district of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of that district, on the 27th day of February 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872 :—

PERMANENTLY-SETTLED ESTATE.

*To be sold for arrears of revenue.*

No. 773.—Mouzah Kamalla in the 10as. 13gds. 1k. 1kt. share of zemindari Pergunnah Bardakhat; recorded proprietor, Khwaja Ahsanullah; Government revenue, Rs. 1,649-2; road fund, Rs. 16-8; is to be sold for arrears of revenue amounting to Rs. 567-2.

No. 310.—3 gds. 3k. out of a 1a. 5gds. share in Mouzah Chapitala, in the 10as 13gds. 1k. 1kt. share of zemindari Pergunnah Bardakhat; recorded proprietors, Jagat Chandra Chaudhuri, Sib Chandra Pal; Government revenue, Rs. 1,693-12; road fund, Rs. 17; is to be sold for arrears amounting to Rs. 6-12-9. The recorded proprietor of this 3gds. 3k. share is Sib Chandra Pal, and the sunder jumma of it is Rs. 20-0-10.

N.B.—A separate account has been opened by the Collector under Section 10, Act XI. of 1859, for the 1a. 5gds. share within which the 3gds. 3k. fall. The entire estate is under partition, and the above 3gds. 3k. share is now advertized for sale in accordance with the terms of Section 33, Regulation XIX. of 1814.

TIPPERAH COLLECTORATE,  
The 19th January 1872.

F. COWLEY, *Officiating Collector.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of that district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class.—Permanently-settled Estate.*

No. 67.—Goorberee, Pergunnah Chowmaha; recorded proprietors, Radhakanto Chowdhury, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeekristo Bose, Ornopoorna Dabea, Mangobindo Biswas, Kasseenauth Koar, Juggessur Ghose, Issur Chunder Ghose, and Makhonlal Ghose; sunder jumma, Rs. 2,695-15.

| Deduct Mangobindo Biswas' 8 annas share of Mouzah Katgora and Kasseeppore, comprised in lot Goorberee            | Rs. As. P. | Rs. As. P. |
|--|------------|------------|
| ... ... ...  | 590        | 6 5        |
| Deduct Kasseenauth Koar's share of Neej Goorberee and Huriram-pore's land 1,475 beegahs, the revenue of which is | 692        | 2 9        |
|  |            | 1,282 9 2  |

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sunder jumma of the undermentioned parties to be sold, Radhakanto Chowdhury of Goorbarree, Pergunnah Chowmaha, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeekristo Bose of Chandernagore, Pergunnah Boro, Ornopoorna Dabee of Etla, Pergunnah Chowmaha, Juggessur Ghose, Issur Chunder Ghose, and Makhonlal Ghose of Katgora, Pergunnah Chowmaha, and for which separate account has not been opened, Rs. 1,413-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

W. F. MERES, *Deputy Collector, in charge.*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871.

*Class I.—Permanently-settled Estates.*

To be sold for arrears of Government revenue:—

No. 39.—Taraif Ali Rohollah; proprietor, Tripura Churn Rai; sunder jumma, Rs. 994-0-6.

To be sold for arrears of Government revenue:—

No. 51.—Taraif Alear Khan; proprietors, Shahama Ali, Akbar Ali Khan, Akbar Ali Khan, and Asad Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the share of Asad Ali Khan, bearing a jumma of Rs. 468-7-5, and the revenue of that share having been paid, the share of Shahama Ali, Akbar Ali Khan, and Akbar Ali Khan, will be sold; sunder jumma, Rs. 1,606-0-9.

To be sold for arrears of Government revenue:—

No. 1024.—Taraif Gobindo Anandi; proprietors, Sotronarain, Durponarain, Jan Bebi, Mebamaya, Mahomed Ashraf, Ramjov, Ram Chunder Dutt, Tahan Chunder, Goluck Chunder, Doorez Churn

Chowdry, Gour Chunder Mozumdar, Neel Comul Gupta, Goluck Chunder Chowdry, Pitamber Chunder Doss, Ramkumar Doss, Kali Doss, Puddolochun, Trilochun Dey, and Doolameah. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ishan Chunder Chowdry, Goluck Chunder Chowdry, Doorga Churn Chowdry, Gour Chunder Sen, Neel Comul Gupta, Ram Coomar Doss, Goluck Chunder Doss, Srimoti Mohamaya, Pitamber Chunder Doss, Kali Doss, Sheik Doolameah Chowdry, Puddolochun Chowdry, and Trilochun Chowdry, bearing a jumma of Rs. 353-14-7, and the revenue of their shares having been paid, the shares of Sotronarain, Durponarain, Jan Bebi, Mahomed Ashof, Ranjoy, and Ram Chunder Dutt, will be sold ; sunder jumma, Rs. 1,061-13-1.

To be sold for arrears of Government revenue :—

No. 1238.—Taraff Enos Jop ; proprietors, Aloka, Adhoo Khan, Abool Hossein, Anwar Khan, Brejo Mohan, Surforaj, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Atzal, Mahomed Samed, Mahomed Asad, Magun, Nowagish, Warrish Khan, Kurrim Buksh, Alokah, Aasin Khan, Amir Ali, and Ayar Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Warrish Khan, Mahomed Samed, Anwar Khan, Shorforaj Khan, Aasin Khan, and Ayar Ali Khan, bearing a jumma of Rs. 581-13-10, and the revenue of their shares having been paid, the shares of Aloka, Adhoo Khan, Abool Hossein, Brejo Mohan, Shofur Ali, Aos Khan, Allaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Atzal, Mahomed Asad, Magan, Nowagish, Korim Buksh, Aloka, and Amir Ali, will be sold ; sunder jumma, Rs. 2,272-7-6.

To be sold for arrears of Government revenue :—

No. 1281.—Taraf Joynarain Kerani ; proprietor, Mahomed Rosee Showdagar ; sunder jumma, Rs. 563-4-6.

To be sold for arrears of Government revenue :—

No. 2203.—Taraf Nosim Chowdhari ; proprietors, Jan Ali, Mohesh Chunder Sen, Nittyanundo Sen, Wahed Ali, Jugguth Chunder Sen, Prankristno Sen, Nittyanundo Sen, Wahed Ali, Jan Ali, Juggath Chunder Sen, and Ramjan Ali ; sunder jumma, Rs. 659-7-6.

To be sold for arrears of Government revenue :—

No. 2411.—Kismut Probahath, formerly Taraf Brojo Kishore ; proprietors, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamathbillah, Bonnijan Bebi, Boistab Churn, Futteh Ali, Gour Hari Biswas, Hari Doss, Hashmat Ali, Kalikinker, Kisto Churn, Khalon, Modun Mohan, Mahomed Danis Chuprassi, Noor Bebi, Warrish, Rohoman Syad, Huri Churn, Ram Doss, Ram Doss, Ram Doss, Shorfoneesa, Surruth Chunder, Surruth Chunder Rai Kanongoe, Shorindri, Munshi Tilock Chunder Biswas, Boidonath Bachoshpoti, Tilock Chunder Dutt, Ram Doss Bhutta-chargea, Nobo Chunder Bhutta-chargea, Srimoti Montaj Banoo, Sheik Mahomed Boshirullah, Amir Ali, Boidonath Bachoshpoti, Koilas Chunder Dutt, Moulvi Barkatoollah, Najir Ahamed, Noor Ahamed, Wazooddeen, Tarak Chunder Dutt, Oma Churn Dutt, Tarakinker Dutt, and Moonshi Tilock Chunder Biswas. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Surrut Chunder Roy Kanongoe, Srimoti Shorindri, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Hashmat Ali, Babutmalik his mother Shorfoneesa, Boidonath Bachoshpoti, Huri Churn Pal, Kristno Churn Pal, Hurri Dass Pal, Tilock Chunder Dutt, Gooroo Doss Dutt, Ram Doss, Nobo Chunder, Koilas Chunder, Mohesh Chunder, Prosono Chunder, Boidonath Bachoshpoti, Montaj Banoo, Moulvi Borkatoollah, his minor nephew Najir Ahamed, and Wajuddin, bearing a jumma of Rs. 443-7-8, and the revenue of their shares having been paid, the shares of all other proprietors will be sold ; sunder jumma, Rs. 667-11-10.

To be sold for arrears of Government revenue :—

No. 2542.—Teraf Rajah Ambiah ; proprietor, Akbar Ali Chowdhuri, sunder jumma, Rs. 608-12.

To be sold for arrears of Government revenue :—

No. 2562.—Taraf Rambheder Kanongoe ; proprietors, Bonijun Bebee, Bhoirub Churn, Chand, Churn, Chundi Churn Nundi, Sadak Ali Maonshee, Doorga Churn Doss, Grish Churn Doss, Nosuroollah Munshi, Tofer Ali, Kali Churn Doss, Nittyanundo, Pitamber, Raj Chunder, Ram Doss, Ram Mohun Sen, Ram Soonder Sen, Ramsoonder, Kalikinker, Tarini Sunker Kanongoe, Tripura Churn, Annoda Churn Sen, Chundi Churn Nundi, Chundi Churn Nundi, Chundi Churn Dhur, Pran Huree Lallah, Boistub Churn Podar, Ram Ruttun Surnah, Gopal Kristno Surnah, Golam Hossein, Chundi Churn Dhur, Ramshebuck Burnik, Abdulla Nillundar, Ishan Chunder Kanongoe, Ram Ruttun Surnah, Gopal Kristno Surnah, Degambar Sen, Oojer Ali alias Potan, Huri Doss Dey, Aradhun, Srimoti Bishashori, Ooma Churn, Kantapersaud Hazari, Sheik Mahomed Wasil Chowdri, Gooroo Doss Rai, Ram Chunder Chowdhari, Debi Churn Dey alias Deboo Mohajan, Omed Ali, Ram Doss Shikdari, Raj Chunder Chowdhari, Nittyanundo Sen, Nobo Chunder, Surrut Chunder Sen, Choitanio Churn Sen, Doya Mohun Sen, Hurrinath Porobit, Ramkinker Porobit, Ramkishore Sen, Jowala Bharoti Mohunto, Gobind Chunder Rai Kanongoe, Tara Kinker Dutt, Ramkishore Sen, Aukhil Chunder Sen, Ram Buksh Hazari, Sheik Golam Hossein, Gorib Hossein Chowdhri, Mahomed Wali, Jaker Ali, Chundrohadari Thakurani, and Boidonath Bachoshpoti. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ram Soonder Sen, Bahat Malik, his brother Ram Mohun Sen, Doorga Churn Doss, his brother Grish Chunder Doss, Sadak Ali Moonshi, Nittyanundo Sen, Ram Soonder, Kalikinker, Kanta Persad Hazari, Babut Malik, Susti Churn Chowdhari, Chundi Churn

Nundi, Ramruttun Surmah, Gopal Kristno Surmah, Jowal Bharoti Mohunto, Babatshare Arjoon Bharoti Mohunto, Pitamber Kanongoe, Gooroo Doss Rai, Malik Pitamber Kanongoe, Govind Chunder Kanongoe, Golam Hossein Chowdhari, Ishan Chunder Kanongoe, Huri Doss, Aradhun, Ramsheback Burnick, Digamber Sen, Omed Ali, Nittyanundo Sen, Surruth Chunder Sen, bearing a jumma of Rs. 516-15-2, and the revenue of their shares having been paid, and the shares of Pitamber Kanongoe Malik, Tara Kinker Dutt, having been already sold on 22nd December 1871, bearing jumma of Rs. 6-11-11, the shares of all other proprietors will be sold; sudder jumma, Rs. 918-15-7.

To be sold for arrears of Government revenue:—

No. 2933.—Tara Shasiram Kanongoe; proprietors Afzal, Aitan, Abootalif, Brindabun Sein, Bishumber, Rejoanuddin, Bhikan Chunder, Bholanath, Chotronarain, Digamber Chunder, Doorga Churn, Doorga Mohun, Gogun Chunder, Gonesh Chunder, Gopeenath, Golam Basid, Golam Moksad, Golam Ali, Gopal Dass, Gopal Dass Sein, Gopinath, Golam Ali, Gouri Kanto, Gour Soonder, Jug Mohun, Jugguth Chunder, Jugguthnath Sein, Jan Ali, Jooromoni, Kristo Chunder Kanongoe, Kristo Chunder Kanongoe, Kristo Mohun Gooho, Koolo Chunder, Lukhi Chunder Rai, Mahomed Ashrof Jemadar, Magan Dass Sen, Magan Chunder, Nittyanundo Kanongoe, Nittyanundo Kanongoe, Nittyanundo, Neelkanto Poorohit, Neelkanto, Nittyanundo Kanongoe, Nittyanundo Kanongoe, Nemy Churn Rai, Nittyanundo, Neamutoollah, Warrish, Oopendro Ghunder, Prosono Singh, Prosono Coomari, Poorno Chunder Sen, Peary Mohun, Rohinonissa, Russick Chunder, Ramdoolal, Ramdoyal Dey, Ramkanto, Ramdoyal, Ramjoy Potdar, Ramlochan Sen, Rehanuddin, Renooka, Surruth Chunder, Shaha Mahomed, Shahabuddin, Shamsoonder, Tiloche Chunder, Tofan Ali, Lall Mahomed Hazi, Golam Ali Nazir, Shoobrati *alias* Shoorjomoni Surdar, Srimoti Beshashori, Mahomed Robimullah Mohesh Chunder, Mahomed Kamil Chowdhari, Isaf Ali, Nejamut Ali, Mahomed Ali, Monohur Khan, Ujur Ali, Uma Charan Ghose, Doorga Churn Sein, Jugguth Chunder Sein, Modun Mohun, Ramdoolal, Ramanundo, Doorga Churn, Chundi Churn Surmah, Sheik Asanoollah Chowdhari, and Shoodharam Surkar. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Gopal Dass Sein and Degumber Kanongoe and others, bearing a jumma of Rs. 642-1-6, and the revenue of their shares having been paid, the shares of Srimoti Oloka, Ramdoyal Sen, Sreemoti Brojashishi, Juggut Chunder Sen, Shoodaram Surkar Nilamdar babut Prankristno, Peary Mohun, Doorga Mohun, Gour Chunder, will be sold; sudder jumma, Rs. 826-14-3.

To be sold for arrears of revenue:—

No. 3113.—Tara Sheermustkhan Chowdhari; proprietors, Akbar Ali Khan, Dewan Bebi, Jenat Ali Khan, Mokhool Ali, Milkiat Fuzl Ahamed minor, and Ramsoonder. A separate account having been opened for the share of Fuzl Ahamed minor, and the sudder jumma of that share, Rs. 165-10, and the shares of all other proprietors, will be sold; sudder jumma, Rs. 527-6-6.

To be sold for arrears of revenue:—

Mehal Lakheraj resumed, Mouzah Borghope, Thannah Satkania.

No. 13407.—Taluk Gouri Sunker, Boidonath Kanongoe; proprietors, Grish Chunder Rai and Lolita Thakurani; sudder jumma, Rs. 701-4-3.

J. WHITMORE, For Offg. Collector.

NOTICE is hereby given, under Section 2, Act VII. (B.C.) of 1868, and Section 6, Act XI. of 1859, that the undermentioned estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871:—

*Mehal Noabad.*

To be sold for arrears of Government revenue, Mouzah Chota Sonooah, Thannah Satkania.

No. 303.—Talook Chota Sonooah, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 1,072-0-1.

To be sold for arrears of Government revenue, Mouzah Borghona, Thannah Satkania.

No. 314.—Talook Gouri Sunker, Boidyonath Kanongo, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 639-0-3.

To be sold for arrears of Government revenue, Mouzah Naporah, Thannah Satkania.

No. 541.—Talook Srimoti Bishashori and Nobo Chunder Rai; Proprietors, Sreemoti Bishashori and Nobo Chunder Rai; Sudder Jumma, Rs. 633-11-9.

To be sold for arrears of Government revenue, Mouzah Bakesea, Kismut Chur Shabek Bakesea, Thannah Towa.

No. 559.—Talook Ahamed Ali, Mahomed Esof, Korban Ali, Ajgar Ali, Srimoti Noor Bebi; Proprietors, said Ahamed Ali, Mahomed Esof, Korban Ali, Ajgar Ali, and Srimoti Noor Bebi; Sudder Jumma, Rs. 686-4.

J. WHITMORE, For Officiating Collector.

NOTICE is hereby given, under Section VI, Act XI of 1859, that the undermentioned Estates in the district of Patna will be put up to public and unreserved sale, at the Collector's Office of that district, on the 12th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

Class II.—Temporarily-settled Estates.

No. 1016.—Meah Dearah More-us-dabed, More-Munorath, and More-Goburdhun, Pergunnah Gyaspore; recorded proprietors, Mussamat Arsfay Begum *oorf* Hosseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunoollah Khan, Naseer Ahmed Khan, Mussamat Allahee Begum Ali Ahmed Khan, Mussamat Oomrao Begum, Walee Ahmad Khan, Anaetollah Khan *oorf* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mohamed Ibrahim Hossein Khan, Mujeedoon Nissa Begum, Ubhnasee Suboy *oorf* Rughonath Pershad Sing, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishur Pershad Sing, minor son of Baboo Kandh Pershad Sing, deceased, Bishoon Pershad Sing, Ram Loll Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoor Pershad Sing, Hurpershad Sing, Gobinddharee Sing, Aluckhoharee Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopalnarain Sing, Nursing Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Tookun Sing, Bhojoo Sing, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *oorf* Ramjee, Mussamat Khoosibhal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Gujjoo Sing, and Khirbun Sing; Sudder Jumma Rs. 4,211-2-0, of which Rs. 1,093-12-6 to be deducted on account of the jumma of the share of Ubnasee Suboy *oorf* Rughonath Pershad Sing, Gobinddharee Sing, Ulukdharee Sing, Tookun Sing, Bhojoo Sing, and Mohamed Ibrahim Hossein Khan, with whom separate accounts have been opened, as per Section 10, Act XI of 1859.

The Sudder Jumma advertized for sale is Rs. 3,117-5-6, on account of the share of Mussamat Arphay Begum *oorf* Hoseinee Begum, Mussamat Kuneez Fatmay Begum, Mohamed Aumaunoollah Khan, Naseer Ahmed Khan, Mussamat Allahee Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Wuleeahmud Khan, Anaetollah Khan *oorf* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mujeedoon Nissa Begum, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishwurpershad Sing, minor son of Baboo Kandhpershad Sing, deceased, Bishoonpershad Sing, Ramlall Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoorpershad Sing, Hurpershad Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopal Narain Sing, Nursing Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *oorf* Ramjee, Mussamat Koosibhal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Gujjoo Sing, and Khirbun Sing, non-applicants, which will be sold for arrears of Government revenue.

C. F. WORSLEY,

Deputy Collector, for Collector on tour.

PATNA COLLECTORATE, BANKIPORE,  
The 31st January 1872.

اشتہار نیلام بابت بقیہ مالگذاری سرکار

واضح ہو کہ حسب دفعہ ۶ اکٹ ۱۱ منہ ۱۸۵۹ ع کے یہ مصالات مرصودہ الذیل ضلع پتہ میں بابت بقیہ مالگذاری سرکار و دیگر دعویٰ جواز روی دستورات و قوانین مسجاریہ موافق باقی مالگذاری سرکار کے تاریخ ۱۲ ماہ جنوری منہ ۱۸۷۲ ع واجب الوصول ہی بروز منٹل بتاریخ ۱۲ ماہ مارچ منہ ۱۸۷۲ ع کچھری میں صاحب کلکٹر اوسی ضلع کے بلا عذر و عام نیلام میں رکھا جائیگا۔

قسم دویم بندوبست میعادی \*

نمبر ۱۰۱۶ توزیع مصالی دیارہ مورا اسادا باد و مور-منورتہ و مور-گوبردہن پر گنہ غیام پور بخانہ مالگذاری مسماۃ عارفہ بیگم عرف حسنے بیگم و مسماۃ کنیز فاطمہ بیگم و محمد امان اللہ خان و نصیر احمد خان و مسماۃ الہبی بیگم و علی احمد خان و مسماۃ امراو بیگم و ولی احمد خان و عبایت اللہ خان عرف عبدالجید خان خود و وارث عبدالرشید خان متفقی و محمد ابراهیم حسین خان و مسجد النساء بیگم و ابہنائیہ مہای عرف رکونانہ پرشاد سنگہ و جگونانہ پرشاد سنگہ و رام پورتاپ سنگہ و شام کشور سنگہ و هر کشور پرشاد سنگہ نابالغ پسربابو کاندھہ پرشاد سنگہ متفقی و بسن پرشاد سنگہ و رام لعل سنگہ و مسماۃ جیتن کنور و گور پورتاپ سنگہ تھاکر پرشاد سنگہ و هر پرشاد سنگہ و گونہ دھاری سنگہ والکہ دھاری سنگہ و لچھی پرشاد سنگہ و رنگ لعل سنگہ و مادہ پرشاد سنگہ و گویاں نراین سنگہ و نرسنگہ نراین سنگہ و کلیپہ نراین سنگہ و دیوراین سنگہ و مسماۃ بیندر کنور و گور سنگہ و بہجو سنگہ و لعلہ باری سنگہ و لکنچہ باری سنگہ و رام نراین سنگہ عرف رامچہ و مسماۃ خوشال کنور و لکنچہ سنگہ و لکنچہ سنگہ و پیلوان سنگہ و منکر سنگہ و گھو سنگہ و رکھیان سنگہ صدر جمع ۱۵۲۱۱.۲ اوسیں ۱۰۹۳-۱۱۰۶ منہای ہو کا باید حجہ لہنائے سہای عرف رکھو نانہ پرشاد سنگہ و گوبند دھاری سنگہ والکہ دھاری سنگہ و گور سنگہ و بہجو سنگہ و محمد ابراهیم جھن خان جسکے سانہ حساب کھولا گیا بمراہ دفعہ ۱۰ اکٹ ۱۱ منہ ۱۸۵۹ \*

صر جمع جسکا اشتہار نیلام ہوا ہی ۳۱۱۷-۵-۶ بابت حصہ مسماۃ عارفہ بیگم عرف حسنے بیگم و مسماۃ کنیز فاطمہ بیگم و محمد امانت اللہ خان و نصیبیو احمد خان و مسماۃ امیت اللہ بیگم و علی احمد خان و مسماۃ امرو بیگم و ولی احمد خان و خانیت اللہ خان عرف عبدالمجید خان خود و وارث عبدالرشید خان متفوی و صمیم النساء بیگم و جنگر نانہ پرشاد سنگہ و رام پرتاپ سنگہ و سام کشور سنگہ و هر کشور پرشاد سنگہ نابالغ پسر بابو کاندھہ پرشاد سنگہ متفوی و بسن پرشاد سنگہ و رام لعل سنگہ و مسماۃ جنون نور و گور پرتاپ سنگہ و تھاکر پرشاد سنگہ و هر پرشاد سنگہ و اچھی پرشاد سنگہ و رنگ لعل سنگہ و مادھو پرشاد سنگہ و گوپال نواب سنگہ و نرمیت نواب سنگہ و کلدیپ نواب سنگہ و دیوبن نواب سنگہ و مسماۃ سندر کنور و لعل بیهاری سنگہ و کلچھاری سنگہ و رام نواب سنگہ عرف رامچی و مسماۃ خوشحال کنور و لوہیانہ سنگہ و کنچل سنگہ و پیلوان سنگہ و شنکر سنگہ و گجو سنگہ و کھربان سنگہ غیر صایلان کا بعلت باقی مالگذاری کے نیلام ہو یا فقط ۔

سی: اخ: وصلے  
دیوبنی کلکٹر کلکٹر کنور کے لئے

پہنچ کلکٹریٹ بانک پیور  
۱۸۷۲ ۳۱ جنوری

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessorah will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class I.—Permanently-settled Estate.*

No. 19.—Mouzah Borumarrah Pergunnah Essupore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumma, Rs. 998-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Taraf Sagerneah, Pergunnah Mahomedshye, Talook Raznaryun, Premnaryun Parry, Lukhimoney, Drabomoi, Second Drabomoi, and Joytara Debba; Sudder Jumma, Rs. 1,596-8-9; to be sold for recovery of Rs. 37-2 on account of Government revenue.

No. 4575.—Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadoor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTORATE,

The 2nd February 1872.

J. MONRO, Offg. Collector.

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Sarun will be put up to public and unreserved sale, at the Collector's Office of that district, on the 15th day of March 1872, corresponding with the 20th Phalgoon 1279 F.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class I.—Permanently-settled Estate, to be sold for arrears of Government revenue.*

*Towjee No. 501.*—The rights and interests of Baijoo Sing, in mehal Sendooar, pergunnah Baul; recorded proprietors are Baijoo Sing, Chuttur Sing, &c. The sudder jumma of the entire Estate is Rs. 693-5-4.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and payment of Government revenue:—

10kts. of Rughoonundun Sing and others, bearing jumma of Rs. 461-13-6.

*To be sold for arrears of Government revenue.*

*Towjee No. 2459.*—The rights and interests of Achul Opudhia, Mahurbun Sing, Ramsuhoy Sing, Thacoor Sing, Rughoonath Sing, Kullian Sing, Ramsuhoy Roy, Ramessur Roy, Jutteedhree Lal, Rusul Roy, Trashee Pershad Sing, Goorpershad Sing, and Doobree Opudhia, in Mehal Dhurum Raj Pergunnah Gooh; recorded proprietors, Achul Opudhia and others. The sudder jumma of the entire estate is Rs. 663-7-5.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and the payment of Government revenue:—

7kts. of Radhayram Pershad and others, bearing jumma of Rs. 332-2.

SARUN COLLECTORATE,

The 2nd February 1872.

C. B. GARRETT,

Offg. Collector.

اشتہار نیلام بابت بقیہ مالگذاری سرکار

واضح ہو کہ حسب دفعہ ۱۱ ستمبر ۱۸۶۹ ع کے یہہ مصالحات مرقومہ اذیل شائع مارن میں بابت بقیہ مالگذاری سرکار و دیگر عویی جواز روے دستورات قوانین مسجاریہ موافق باقی مالگذاری سرکار کے بتاریخ ۱۲ جنوری ستمبر ۱۸۷۲ ع واجب الوصول ہی بوز جمعہ تاریخ ۱۵ مارچ ستمبر ۱۸۷۲ ع مطابق ۲۰ پہاگن ستمبر ۱۸۷۲ فصلے کھنچی میں صاحبہ کلکٹر اس مبلغ کے بلا عذر عام نیلام میں رکھا جاویکا ۔

نمبر شماری نمبر توزیع نام محل قسم اول قسم مطالبه

نمبر ۱ نمبر ۵۰۰ محل صندوک پرگنہ بال جسکا جمع صدر مبلغ ۶۹۳.۵-۰ ہی و خانہ مالگذار باقی مالگذاری سرکار میں نام بیچو سنگہ و چہتر سنگہ وغیرہ کا لکھا جاتا ہی باستثناء حصہ رکھو نہیں منگہ وغیرہ بقیدہ دہ قلم تفریق رول شدہ بمزاد اکت ۱۱ سنه ۱۸۵۹ ع جمعی مبلغ ۴۹۱.۱۳-۶ متعلقہ محل مذکور بالحاظ وصول ہو جائے باقی سرکار بقیہ حق و مراقب اجمالي بیچو سنگہ جمعی مبلغ ۲۲۱.۷-۱۰ بعلت باقی مالگذاری سرکار بہ تعداد مبلغ ۱۲۰.۶-۷ کے نیلام ہوگا \*

نمبر ۲ نمبر ۲۴۵۹ محل دھرمواج پرگنہ گورہ کہ جسکا جمع صدر مبلغ ۶۶۳.۵-۷ ہی و جانہ مالگذار میں نام اچل اوپدھیا وغیرہ کا لکھا جاتا ہی باستثناء حصہ رادہ رون پرشاد وغیرہ بقیدہ هفت قلم تفریق رول شدہ نمبر ۱ و ایکٹ ۱۱ سنه ۱۸۵۹ ع جمعی مبلغ ۳۳۲.۲ متعلقہ محل مذکور بالحاظ وصول ہو جائے باقی سرکار بقیہ حق و مراقب اجمالي اچل اوپدھیا و مہربان سنگہ و رام سہا سے سنگہ و تہاکر سنگہ و رکھو ناتھہ سنگہ و کلیان سنگہ و رام سہا رای و رامیش رای و جتادھاری لعل و رمال رای و کاش پرشاد سنگہ و گور پرشاد سنگہ و دوبیری اوپدھیا جمعی مبلغ ۳۳۱.۵-۵ بعلت باقی مالگذاری سرکار بہ تعداد مبلغ ۱۱۹.۲ کے نیلام ہوگا \*

سی: بی: گیریت  
لکھر

تحمیر فتاریخ ۲ فبروری مدد ۱۸۷۲ ع

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Shahabad will be put up to public and unreserved sale, at the Collector's Office of that district, on the 14th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872 :—

Class I.—Permanently-settled Estate.

No. 1428.—Mehal Sirbit, Pergunnah Chynepore; recorded Proprietor, Sheonondun Roy, non-applicant; Sudder Jumma of the entire Mehul, Rs. 1,050-11-9. The share of non-applicant alone shall be sold for arrears of Government revenue amounting to Rs. 7-15-5, with the exception of the shares of the undermentioned proprietors, with whom separate accounts have been opened under Section 10, Act XI. of 1859 :—

|     | Names of villages.                          | Names of Proprietors.                  | Amount of Jumma. |
|-----|---|--|------------------|
|     |   |  | R. A. P. K. M.   |
| 1.  | Noughura                                    | ... Rookmin Bibi and others            | 13 13 1 8 0      |
| 2.  | Kusbe Chynepore                             | ... Shah Abdool Uziz and others        | 13 13 10 8 0     |
| 3.  | Sirbit Khass                                | ... Mussamut Goonrani Koour and others | 221 9 7 4 0      |
| 4.  | Ditto                                       | ... Seoraj Sing and others             | 55 6 4 0 0       |
| 5.  | Ditto                                       | ... Shah Abdool Uziz and others        | 27 11 4 0 0      |
| 6.  | Ditto                                       | ... Nuki Ally Khan                     | 27 11 2 8 0      |
| 7.  | Kutra                                       | ... Reoti Roy                          | 42 10 7 12 0     |
| 8.  | Sirbit and Gobindipore Luhrajai-<br>rampore | ... Nuki Ally Khan and others          | 113 3 2 12 0     |
| 9.  | Kootmupore                                  | ... Koulesur Choubey and others        | 12 1 5 1 7       |
| 10. | Kota  | ... Judoo Roy                          | 112 6 4 18 0     |
| 11. | Kekurha                                     | ... Ramlall and others                 | 5 5 4 0 0        |
| 12. | Gobindipore Lohrajey Rampore                | ... Mussamut Umani Kooner and others   | 19 15 11 12 0    |
| 13. | Kota  | ... Mussamut Zeb Kooner and others     | 112 6 4 18 0     |
| 14. | Kota  | ... Saligram Roy                       | 112 6 4 18 0     |
| 15. | Kootmupore                                  | ... Jhuboo Choubey                     | 6 0 8 10 18      |

H. ALEXANDER,  
Collector.

SHAHABAD COLLECTORATE,  
The 30th January 1872.

اشتہار نامہ واسطے فروخت زمینداری

مدد ۱۸۵۹ سال کے قانون ۱۱ دفعہ ۶ کے مطامن مطابق بذریہ اسکے سب لوگوں کو واقف کیا جاتا ہی کہ ملک شاہ آباد کے شامل محلات مندرجہ ذیل ملک مذکور کی صاحب لکھر کے افس میں باقی مالگذاری اور جو سب دموی

سنہ ۱۸۷۲ جنوری تاریخ ۱۴ میں دن جمعہ ہوئے ہے باقی مالگذاری کی بطور مہریہ آگیں کے مطابق ادا ہوئے گا مطابطہ ہی اسکے ادای کی واسطے سنہ ۱۸۷۲ ع ماہ مارچ تاریخ ۱۶ میں نیلام عام کی اخربہ کار میں فروخت ہرچا سنہ ۱۸۷۲ ماہ جنوری تاریخ ۲۳ فقط ۔

### تفصیل قسم اول

نمبر ۱۴۲۸ — محل مسربیت پرگنہ چین پور جسکی خانہ مالگذار میں نام شیونندن رای غیر صایل تفریق اول مندرج ہی و مبلغ ۱۱۹-۱۰۵۹ جمع صدر گوشوارہ اس محل کا ہی بعلت اباقی مبلغ ۷-۱۵۰۵ باقی مالگذاری حصہ خاص غیر صایل تفریق اول بابت حصہ مفصلہ ذیل کہ جسکا جمع از روی دفعہ ۱۰ ایکٹ ۱۱ سنہ ۱۸۵۹ ع علحدہ لیا جاتا ہی نیلام ہو گا ۔

| نام موضع                      | نام مایل ان تفریق اول  | تعداد جمع صدر | رویہ اہ پائی کہ م |
|-------------------------------|--|---------------|-------------------|
| ۱ نوگہرا                      | روکن بے و امام جہان بے و جہان بے   | ۰ ۸ ۱ ۱۳ ۱۳   |                   |
| ۲ قصبه چین پور                | شاہ عبدالعزیز و شاہ لیاقت حسین   | ۰ ۸ ۱۰ ۱۳ ۱۳  |                   |
| ۳ مربیت خاص                   | مسماۃ گونرانے کنور و سیدواب سنگھہ  | ۰ ۴ ۷ ۹ ۲۲۱   |                   |
| ۴ ایضا                        | سیدوراج سنگھہ و فقی علی خان و غلام منی خان   | ۰ ۰ ۴ ۶ ۵۵    |                   |
| ۵ ایضا                        | شاہ عبدالعزیز و شاہ لیاقت حسین   | ۰ ۰ ۴ ۱۱ ۲۷   |                   |
| ۶ ایضا                        | نقع علی خان  | ۰ ۸ ۲ ۱۱ ۲۷   |                   |
| ۷ کٹرا                        | ربوئے رای  | ۰ ۱۲ ۷ ۱۰ ۴۲  |                   |
| ۸ مربیت و گونندی پور لوهرا جی |  | ۰ ۱۲ ۲ ۴ ۱۱۳  |                   |
| رامپور                        | نقع علی خان و مسماۃ مہدہ بے بے   |               |                   |
| ۹ قطمن پور                    | کولیسیر چوہہ جگنند چوہہ و لکچنڈ چوہہ و دمیسیر چوہہ و ہر گوبند چوہہ و ہیرا لال چوہہ و بھگوت چوہہ و رکھوبیر چوہہ و بسیسیر چوہہ و وجودہا چوہہ و املاکہ چوہہ و گنادت چوہہ و گچالر چوہہ |               |                   |
| ۱۰ کوتا                       | ندورای   | ۰ ۱۸۴ ۶ ۱۱۲   |                   |
| ۱۱ کھکڑا                      | رام لال و مسماۃ جیا کنور زوجہ بسیسیر سنگھہ و هرجھوکھن سنگھہ و رام چون سنگھہ  |               |                   |
| ۱۲ گونندی پور لوهرا جی رامپور | مسماۃ امانے کنور زوجہ گردھاری سنگھہ و مسماۃ کونرانے کنور   |               |                   |
| ۱۳ کوتا                       | مسماۃ زیب کنور مادر ولیہ جد و منے رای  | ۰ ۱۸ ۴ ۶ ۱۱۲  |                   |
| ۱۴ ایضا                       | سالگرام رای  | ۰ ۱۸ ۴ ۶ ۱۱۲  |                   |
| ۱۵ قطمن پور                   | چہبو چوہہ  | ۰ ۱۳ ۱۰ ۸     |                   |
| شہاب اباد کلکٹریت             | شاہاب اباد کلکٹریت   |               |                   |
| ۱۸۷۲ جنوری                    |  |               |                   |

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Government of India.

## LEGISLATIVE DEPARTMENT.

THE following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honor to report that we have considered the Bill and the papers noted in the Appendix and have come to the following resolutions, which we now submit in the form of a preliminary report.

**RESOLUTION 1.**—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of Rs. 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of habeas corpus, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

**RESOLUTION 2.**—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

**RESOLUTION 3.**—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.  
G. CAMPBELL.  
J. STRACHEY.  
J. F. D. INGLIS.  
W. ROBINSON.  
F. S. CHAPMAN.  
R. STEWART.  
J. R. BULLEN SMITH.  
F. R. COCKERELL.

*The 30th January 1872.*

## APPENDIX.

- Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding  
 Letter from Secretary to Chief Commissioner, British Burma, Nos. 95-9, dated 22nd March 1869, and enclosure.  
 Petition from Muktars of Berhampore, dated 2nd May 1869.
- Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding  
 Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
- Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding  
 Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosures.
- Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding  
 Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.
- From Registrar, High Court, Calcutta, No. 584, dated 21st June 1869.
- Endorsement, Home Department, No. 925, dated 30th June 1869, forwarding  
 Letter from Acting Secretary to Government, Bombay, No. 1675, dated 31st May 1869, and enclosures.
- Endorsement, Home Department, No. 1106, dated 3rd August 1869, forwarding  
 Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. 2101, dated 16th July 1869, and enclosures.
- From Secretary to Government, Madras, No. 1360, dated 18th August 1869, and enclosures.
- From Secretary to Chief Commissioner, British Burma, No. 541-9, dated 21st August 1869, and enclosure.
- Petition from Dwarkanauth Bukshie and others, dated 31st August 1869.
- From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
- Endorsement, Home Department, No. 1520, dated 10th October 1869, forwarding  
 Letter from Secretary to Government, Bengal, No. 4691, dated 22nd September 1869, and enclosures.
- Endorsement, Home Department, No. 1769, dated 8th December 1869, forwarding  
 Letter from Acting Under-Secretary to Government, Bombay, No. 4161, dated 24th November 1869.
- From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosures.
- Endorsement, Home Department, No. 61, dated 10th January 1870, forwarding  
 Letter from Acting Under-Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
- From Military Department, No. 556, dated 12th January 1870, and enclosures.
- Endorsement, Home Department, No. 131, dated 17th January 1870, forwarding  
 Letter from Secretary to Government, North-Western Provinces, No. 13A, dated 6th January 1870, and enclosures.
- From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.  
 " Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.  
 " Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.  
 " Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosures.
- Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding  
 Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosures,  
 and  
 Despatch from Secretary of State, No. 39, dated 21st October 1868.
- From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.  
 " Secretary to Government, Punjab, No. 613, dated 5th May 1870, and enclosures.  
 " Officiating Under-Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
- Office Memorandum, Home Department, No. 903, dated 27th May 1870.
- Endorsement, Home Department, No. 1224, dated 11th July 1870, forwarding  
 Office Memorandum, Financial Department, No. 1277, dated 22nd June 1867, and enclosure.
- Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.
- From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosures.
- From Government of Bombay, No. 2899, dated 30th July 1870, and enclosure.
- Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding  
 Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.
- From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.
- Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding  
 Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870,  
 and enclosures.
- From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosures.
- From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.
- From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.
- From Acting Under-Secretary to Government, Bombay, No. 3810, dated 8th October 1870.
- Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding  
 Judicial despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and  
 connected correspondence.
- From T. H. Thornton, Esq., dated 24th November 1870, and enclosures.  
 " Secretary to Government, Bombay (no No. and date), and enclosure.  
 " Officiating Legal Remembrancer, No. 1450, dated 16th December 1870.
- Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding  
 Letter from Secretary to Government, Punjab, No. 1796, dated 27th December 1870, and enclosures.
- Endorsement, Home Department, No. 84, dated 20th January 1871, forwarding  
 Letter from Under-Secretary to Government, Punjab, No. 1777, dated 23rd December 1870, and enclosures.

H. S. CUNNINGHAM,  
Offg. Secy. to the Council of the Gorr. Genl.  
for making Laws and Regulations.

THE following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872:—

*Second Report of the Select Committee.*

We, the undersigned, the Members of the Select Committee of the Council of the Governor

Petition from certain Barristers and Advocates of Bombay dated 18th August 1871.  
 From Officiating Secretary to Chief Commissioner of Coorg, No. 3<sup>rd</sup>, dated 4th October 1871, and enclosures.  
 From certain Plenders of the High Court, Bombay, dated 4th October 1871.  
 From Officiating Secretary to Chief Commissioner of Coorg, No. 4<sup>th</sup>, dated 9th October 1871, and enclosure.  
 From Chief Secretary to Government, Fort Saint George, No. 166, dated 21st November 1871, and enclosures.  
 From F. J. Fergusson, Esq., Barrister, High Court, Calcutta, dated 8th December 1871, forwarding Memorial from Barristers and Advocates, High Court, Calcutta.  
 From Secretary to Chief Commissioner, Central Provinces, No. 2<sup>84</sup>, dated 6th December 1871, and enclosures.  
 From Officiating Secretary to the Government of Bengal, No. 6326J, dated 13th December 1871, and enclosures.  
 Memorial from certain Members of the Madras Bar, dated 16th December 1871.  
 From Secretary to Government, Panjab, No. 1745, dated 13th December 1871, and enclosures.  
 From Officiating Registrar, High Court, Calcutta, No. 3936, dated 18th December 1871.  
 From Officiating Secretary to Chief Commissioner, Oudh, No. 5719, dated 22nd December 1871, and enclosures.

provisions relating to material evidence, and have given a new and simpler definition of the difference between primary and secondary evidence.

of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Indian Evidence Bill was referred, have the honor to report that we have considered the Bill and the papers noted in the margin.

1. We have made some alterations in the arrangement of the Bill.

2. We have omitted the definitions of "proof" and "moral certainty," and the sections relating to inferences to be drawn by the Court, as being suitable rather for a treatise than an Act.

3. We have omitted the provisions relating to material between primary and secondary.

4. We have provided that the Act shall apply to all judicial proceedings, but not to affidavits presented to any Court or officer, nor to proceedings in arbitration.

5. As to the effect of an admission by one of several persons jointly tried for an offence, we have omitted sections 120 and 121 of the original Bill. Instead of these, we have provided that when two or more persons are on their trial for the same offence at the same time, and an admission is proved against one of them, which affects others of the accused besides himself, it may be taken into consideration by the Court against all the persons whom it affects.

6. We have redrawn Chapter VI, as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now represent the English law on the subject freed from certain refinements which would not be suitable for this country.

7. Exception was taken to the Bill in several quarters, on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows:—

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 103 to 111 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 112, 113.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference,' which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made, that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country, and likely to produce great inconvenience if it were introduced. We have accordingly, by section 114, put all such presumptions in the position of mere presumptions of fact, with which the Court can deal at its discretion.

We have provided in the Chapter on the Burden of Proof, that a Notification in the Gazette that a territory has been ceded to a Native State, shall be conclusive proof of a valid cession at the date mentioned in the Notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it in Chapter V.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the law of evidence, because they do not belong to the subject, and because many of them are fictitious.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend the omission of sections 141 to 145 of the old draft, as to questions to credit asked by barristers or pleaders, and the substitution of provisions showing the principles by which the asking of such questions should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

10. We have amended the wording of section 166 as to the Judge's power to ask questions. The section, as originally drawn, might have been taken to authorize him to found his judgment upon irrelevant matter, such as loose rumours. The intention of the section was to give him the fullest possible power of inquiry for the discovery of relevant matter. Section 164 as now drawn makes this clear.

11. We have omitted the chapter as to the duties of Judges and Juries, which will, we think, be more properly placed in the Code of Criminal Procedure. We have also omitted the provisions as to appeal in the first draft, and have substituted for them section 57 of Act II of 1855, which provides for the cases in which the improper admission or rejection of evidence shall be ground for a new trial or reversal of a decision.

12. Subject to these amendments we recommend that the Bill be passed, but we also recommend that the amended Bill be published in the Gazette, and that this report be not taken into consideration for a month from the date of its publication.

J. F. STEPHEN.

J. STRACHEY.

J. F. D. INGLIS.

W. ROBINSON.

F. S. CHAPMAN.

R. STEWART.

J. R. BULLLEN SMITH.

F. R. COCKERELL.

## THE INDIAN EVIDENCE BILL.

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**SCHEDULE.**

**THE INDIAN EVIDENCE BILL.**

[As amended by the Select Committee.]

WHEREAS it is expedient to consolidate, define, and amend the Law of Evidence; It is hereby enacted as follows:—

**Part I.**

**RELEVANCY OF FACTS.**

**CHAPTER I.—PRELIMINARY.**

1. This Act may be called “The Indian Evidence Act, 1872.”

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

and it shall come into force on the first day of September 1872.

**2.** On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act, or Regulation in force in any part of British India.

(2.) All such rules, laws, and regulations as have acquired the force of law under the twenty-fifth section of ‘The Indian Councils’ Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

**3.** In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

“Court” includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

“Fact” means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition, of which any person is conscious.

*Illustrations.*

(a.) That there are certain objects arranged in a certain order in a certain place is a fact.

(b.) That a man heard or saw something is a fact.

(c.) That a man said certain words is a fact.

(d.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(e.) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

“Facts in issue.” The expression “Facts in issue” means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

*Explanation.*—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the

**PART I.** fact to be asserted or denied in the answer to such preliminary, as issue, is a fact in issue.

**Ch. 1.—Pre-  
liminary,  
as issue,  
is a fact in issue.**

*Illustrations.*

**A** is accused of the murder of **B**.

At his trial the following facts may be in issue—

That **A** caused **B**'s death.

That **A** intended to cause **B**'s death.

That **A** had received grave and sudden provocation from **B**.

That **A** at the time of doing the act which caused **B**'s death was, by reason of unsoundness of mind, incapable of knowing its nature.

**“Document”** means any matter expressed or described upon any substance “Document.” by means of letters, figures, or marks, or by more than one of these means, intended to be used, or which may be used, for the purpose of recording that matter.

*Illustrations.*

**A** writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

**“Evidence”** means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

**Explanation.**—A fact is said to be proved when, after considering the matters “Proved.” before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

A fact is said to be disproved when, after considering the matters before it, “Disproved.” the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved when it is neither proved nor disproved.

**4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.**

**Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.**

**When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.**

**CHAPTER II.—OF THE RELEVANCY OF FACTS.**

**5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.**

**Explanation.**—This section shall not enable any person to give evidence of a fact which he is entitled to prove by any provision of the law for the time being relating to Civil Procedure.

*Illustrations.*

(a.) **A** is tried for the murder of **B** by beating him with a club with the intention of causing his death.

At **A**'s trial the following facts are in issue—

**A**'s beating **B** with the club.

**A**'s causing **B**'s death by such beating.

**A**'s intention to cause **B**'s death.

(b.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

**6. Facts which, though not in issue, are so connected with a fact in issue**

**Facts forming part of same transaction, as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.**

*Illustrations.*

(a.) **A** is accused of the murder of **B** by beating him. Whatever was said or done by **A** or **B** or the bystanders at the beating, or so shortly before or after it, as to form part of the transactions, is a relevant fact.

(b.) **A** is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and garrisons are broken open. The occurrence of these facts is relevant as forming part of the general transaction, though **A** may have not been present at all of them.

(c.) **A** sues **B** for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(d.) The question is whether certain goods ordered from **B** were delivered to **A**. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

**7. Facts which are the occasion, cause, or effect,**

**Facts which are occasion, cause, or effect of relevant facts, or facts in facts in issue, or which constitute the state of things under which**

**they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.**

*Illustrations.*

(a.) The question is, whether **A** robbed **B**. The facts that, shortly before the robbery, **B** went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(b.) The question is, whether **A** murdered **B**.

Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(c.) The question is, whether **A** poisoned **B**.

The state of **B**'s health before the symptoms ascribed to poison, and habits of **B**, known to **A**, which afforded an opportunity for the administration of poison, are relevant facts.

**8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or**

**Motive, preparation, and subsequent conduct.**

The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

**Explanation 1.**—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

**Explanation 2.**—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

*Illustrations.*

(a.) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(b.) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(c.) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(d.) The question is, whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared of which he did not approve, are relevant.

(e.) A is accused of a crime.

The facts that either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favorable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(f.) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—"the police are coming to look for the man who robbed B,"—and that immediately afterwards A ran away, are relevant.

(g.) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—"I advise you not to trust A, for he owes B 10,000 rupees,"—and that A went away without making any answer, are relevant facts.

(h.) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(i.) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(j.) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant.

as a dying declaration under section 32 (1), or

as corroborative evidence under section 157.

(k.) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint, is not relevant as conduct under this section, though it may be relevant.

as a dying declaration under section 32 (1), or

as corroborative evidence under section 157.

**9. Facts necessary to explain or introduce a fact in issue or relevant fact.**

Facts necessary to explain or introduce relevant facts, or which rebut an inference suggested by a fact in issue

or relevant fact, or which establish the identity of any thing or person, whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

*Illustrations.*

(a.) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(b.) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c.) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section 8, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(d.) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(e.) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it, "A says you are to hide this." B's statement is relevant as explanatory of a fact which is part of the transaction.

(f.) A is tried for a riot, and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

**10. Where there is reasonable ground to believe that two or more persons**

Things said or done by conspirator in reference to common design to commit an offence or an actionable wrong, any thing

said, done or written, by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

*Illustration.*

(a.) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant, relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

*Illustrations.*

(a.) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant. The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(b.) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C, or D, is relevant.

PART I.  
Ch. 2.—Rele-  
vancy of Facts,  
ss. 12—16.

**12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.**

**13. Where the question is as to the existence of any right or custom, the following facts are relevant—**

**(a.) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.**

**(b.) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.**

*Illustration.*

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

**14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.**

*Explanation.*—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

*Illustrations.*

**(a.) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.**

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

**(b.) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.**

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

**(c.) A sues B for damage done by a dog of B's, which B knew to be ferocious.**

The facts that the dog had previously bitten X, Y, and Z, and that they had made complaints to B, are relevant.

**(d.) The question is, whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.**

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

**(e.) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.**

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

**(f.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.**

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

**(g.) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.**

**A's defence is that B's contract was with C.**

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

**(h.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.**

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

**(i.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.**

**(j.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.**

**(k.) The question is, whether A has been guilty of cruelty towards B, his wife.**

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

**(l.) The question is, whether A's death was caused by poison.**

Statements made by A during his illness as to his symptoms, are relevant facts.

**(m.) The question is, what was the state of A's health at the time when an assurance on his life was effected.**

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

**(n.) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.**

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

**(o.) A is tried for the murder of B by intentionally shooting him dead.**

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

**(p.) A is tried for a crime.**

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

**15. When there is a question whether an act**

**was accidental or intentional, act forming part of the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.**

*Illustrations.*

**(a.) A is accused of burning down his house in order to obtain money for which it is insured.**

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

**(b.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.**

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favor of A, are relevant.

**(c.) A is accused of fraudulently delivering to B a counterfeit rupee.**

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E, are relevant, as showing that the delivery to A was not accidental.

**16. When there is a question whether a parti-**

**cular act was done, the exis-**

**Course of business when tence of any course of busi-**

**ness according to which it**

**naturally would have been done, is a relevant fact.**

*Illustrations.*

**17.** *Relevance of admissions.* (a.) The question is, whether a particular letter was despatched. The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant. (b.) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

**ADMISSIONS.**

**17. An admission** is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons hereinafter mentioned.

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

**18. Statements made**

*Admissions by parties interested in subject-matter.* by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

**19. Statements made by persons whose position**

*Admissions by persons whose position must be proved as against party to suit.* or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be

relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

*Illustration.*

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C, that he owed B rent, is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

**20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.***Illustration.*

The question is, whether a horse sold by A to B is sound.

A says to B 'Go and ask C, C knows all about it.' C's statement is an admission.

**21. Admissions are relevant and may be proved**

*Relevancy of admissions against or in behalf of persons concerned.* as against the person who makes them or his representative in interest; but they cannot be proved by or on behalf

of the person who makes them or by his representative in interest, except in the following cases:—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

*Illustrations.*

(a.) The question between A and B is whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b.) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(c.) A is accused of a crime committed by him at Calcutta.

He produces a letter written by himself and dated at Lahore on that day, and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because, if A were dead out, it would be admissible under section 32 (2).

(d.) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(e.) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

**22. Oral admissions as to the contents of a document are not relevant.**

When oral admissions as to contents of documents are relevant, unless and until the party proposing to prove them shows that he is entitled to

give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

**23. In civil cases no admission is relevant, if**

*Admissions in civil cases when relevant.* it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

*Explanation.*—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

**24. An admission made by an accused person**

*Admission of crime caused by inducement, threat, or promise, irrelevant.* is irrelevant in a criminal proceeding, if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

PART I.  
Ch. 2.—Ad-  
missions, ss.  
25—31.  
Statements  
by persons who  
cannot be called  
as witnesses, s.  
32.

**25.** No admission of guilt made to a police officer, shall be proved as against a person accused of any offence.

**26.** No admission of guilt made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

**27.** Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

**28.** If such an admission, as is referred to in section 24, is made after the impression caused by inducement, threat, or promise, relevant.

Admission made after removal of impression caused by inducement, threat, or promise, relevant.

**29.** If such an admission is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such admission, and that evidence of it might be given against him.

**30.** When more persons than one are being tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved, Consideration of proved admission affecting person making it and others jointly under trial for same offence.

the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

*Illustrations.*

(a.) A and B are jointly tried for the murder of C. It is proved that A said,—“B and I murdered C,” the Court may consider the effect of this admission as against B.

(b.) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—“A and I murdered C.”

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

**31.** Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

When admissions are conclusive proof.

**STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.**

**32.** Statements, written or verbal, of relevant facts made by a person who is dead, or cannot be found, &c., is irrelevant.

When statement by person who is dead or cannot be found, &c., is irrelevant.

or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court un-

reasonable, are themselves relevant facts in the following cases:—

(1.) When the statement is made by a person Statement as to cause as to the cause of his death, or as to any of the circumstances of the transaction of death.

which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant, whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such person in the ordinary course of business, and in particular, when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

(3.) When the statement is against the pecuniary or proprietary interest Statements against of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

(4.) When the statement gives the opinion of any such person, as to the Matters of general existence of any public interest. right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

(5.) When the statement relates to the existence of any relationship As to relationship. between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

(6.) When the statement relates to the existence of any relationship Recitals as to relation- between persons deceased, and ship in deeds. is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

(7.) When the statement is contained in any deed, will, or other document Statements in deeds. which relates to any such transaction as is mentioned in section 13 clause (a).

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

*Illustrations.*

(a.) \*The question is, whether A was murdered by B; or A dies of injuries received in a transaction in the course of which she was ravished. The question is, whether she was ravished by B; or

**PART I.** The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Ch. 2.—**STATEMENTS MADE BY PERSONS WHO CAN REFER TO THE MURDER, THE RAPE, AND THE ACTION CALLED ASABLE WRONG UNDER CONSIDERATION.** Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the action called asable wrong under consideration, are relevant facts.

*(b.)* The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

*(c.)* The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

*(d.)* The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

*(e.)* The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A, saying that he had received the rent on A's account, and held it at A's orders, is a relevant fact.

*(f.)* The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

*(g.)* The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

*(h.)* The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

*(i.)* The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

*(j.)* The question is, what was the price of grain on a certain day in a particular market. A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact.

*(k.)* The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

*(l.)* The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

*(m.)* The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

*(n.)* A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

### 33. Evidence given by a witness in a judicial proceeding, or before any

Evidence in a former judicial proceeding when taken it, is relevant for the purpose of proving the truth

of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Provided that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

**Explanation.**—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

### STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

#### 34. Entries in books of account, regularly kept

Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

##### *Illustration.*

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

#### 35. An entry in any public or other official

Entry in public record, made in performance of duty enjoined by law when relevant, stating a relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

#### 36. Statements of relevant facts made in

Maps and plans when relevant, published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

#### 37. When the Court has to form an opinion

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant, as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act

of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the *Gazette* of any local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

#### 38. When the Court has to form an opinion as

Statements in law books. to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

### HOW MUCH OF A STATEMENT IS TO BE PROVED.

#### 39. When any statement of which evidence is

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers. given forms part of a longer statement or of a conversation, document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

PART I.  
Ch. 2.—How  
much of a state-  
ment is to be  
proved, s. 39.

Judgments of Courts of relevant to bar a second Justice when suit or trial.  
relevant, ss.

Opinions of third persons when relevant, ss. 45—47.

#### JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

**40.** The existence of any judgment, order or

decree which, by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when

the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

**41.** A final judgment, order or decree of a

Judgments in probate, &c., jurisdiction. competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character to which it declares any such person to be entitled accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

**42.** Judgments, orders or decrees other than

Judgments, order or decree between third parties when irrelevant and when not. those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the inquiry;

but such judgments, orders or decrees are not conclusive proof of that which they state.

#### Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favor of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

**43.** Judgments, orders or decrees, other than those mentioned in sections

What judgments, &c., 40, 41, and 42, are irrelevant. 40, 41, and 42, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant under some other provision of this Act.

#### Illustration.

(a.) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages, on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b.) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(c.) A prosecutes B for stealing a cow from him. B is convicted.

A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d.) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

**44.** Any party to a suit or other proceeding

Fraud, collusion, and incompetency of Court may be proved. may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which

has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

#### OPINIONS OF THIRD PERSONS WHEN RELEVANT.

**45.** When the Court has to form an opinion

Opinion of experts. upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

#### Illustrations.

(a.) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b.) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c.) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

**46.** Facts not otherwise relevant are relevant

Facts bearing upon opinions of experts. if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

#### Illustrations.

(a.) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

**47.** When the Court has to form an opinion

Opinion as to handwriting. as to the persons by whom any document was written or signed, the opinion of any

person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

**Explanation.**—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

*Illustration.*

I. The question is, whether a given letter is in the handwriting of A, merchant in London. B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

II. The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

*Explanation.*—The expression 'general custom or right,' includes customs or rights common to any considerable class of persons.

*Illustration.*

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family, the constitution and Government of any religious or charitable foundation, or the meaning of words or terms used in particular districts or by particular classes of people, the opinions of persons having special means of knowledge thereon, are relevant facts.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion expressed by conduct

as to the existence of such relationship of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under sections 494, 495, 497, or 498 of the Indian Penal Code.

*Illustrations.*

(a.) The question is whether A and B were married. The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

*Illustration.*

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

**CHARACTER WHEN RELEVANT.**

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

*Explanation.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

*Explanation.*—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

**PART II.****ON PROOF.****CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.**

No evidence required of relevant fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by such Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

*Explanation.*—The word 'Parliament' in clauses (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, of England, of Scotland, and of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice. The seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor-General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such

**PART II.** office is notified in the *Gazette of India*, or in the official Gazette of any Local Government :  
Ch. 3.—Facts which need not be proved, ss. 57—58.

**PART II.** (8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown :

Ch. 4.—Oral evidence, ss. 59—60.

**PART II.** (9.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette :

Ch. 5.—Documentary evidence, ss. 61—65.

(10.) The territories under the dominion of the British Crown :

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons :

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attorneys, proctors, *vakils*, pleaders and other persons authorized by law to appear or act before it :

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

**58.** No fact need be proved in any proceeding

which the parties thereto or Facts admitted.

at the hearing, or which before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings : Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

#### CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct ; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds :

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called

as a witness without an amount of delay or expense which the Court regards as unreasonable ;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

#### CHAPTER V.—OF DOCUMENTARY EVIDENCE.

**61.** The contents of documents may be proved Proof of contents of either by primary or by secondary evidence.

**62.** Primary evidence means the document itself produced for the inspection of the Court.

*Explanation 1.*—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

*Explanation 2.*—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest ; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

#### Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence. **63.** Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies.

(3.) Copies made from or compared with the original.

(4.) Counterparts of documents as against the parts who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

#### Illustrations.

(a.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(b.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(c.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence ; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(d.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

**64.** Documents must be proved by primary Proof of documents by evidence except in the cases primary evidence hereinafter mentioned.

**65.** Secondary evidence may be given of the Cases in which secondary existence, condition, or evidence relating to contents of a document in the documents may be given. following cases :—

(a.) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of

any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(b.) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest.

(c.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(d.) When the original is of such a nature as not to be easily moveable.

(e.) When the original is a public document within the meaning of section 74.

(f.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(g.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In cases (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

#### 66. Secondary evidence of the contents of the documents referred to in

Rules as to notice to section 65 (a) shall not be given unless the party pro-

posing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law: and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—

(1.) When the document to be proved is itself a notice.

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it.

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.

(4.) When the adverse party or his agent has the original in Court.

(5.) When the adverse party or his agent has admitted the loss of the document.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

69. If no such attesting witness can be found, or if the document purports to have been executed in the

United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

70. The admission of a party to an attested document of its execution by

Admission by party of himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

71. If the attesting witness denies or does not

Proof when attesting witness denies the execution. recollect the execution of the document, its execution may be proved by other evidence.

72. An attested document not required by law to be attested may be proved as if it was unattested.

73. In order to ascertain whether a signature, writing, or seal is that of the

Comparison of hand-writings. person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

#### PUBLIC DOCUMENTS.

74. The following documents are public documents:—

1. Documents forming the Acts, or records of the Acts—

(1) of the sovereign authority, (2) of official bodies and tribunals, and (3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

75. All other documents are private.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such

PART II. document or part thereof as the case may be, and  
Ch. 5.—Pub- such certificate shall be dated and subscribed by  
lic Documents, such officer with his name and his official title,  
ss. 76—78.

Presumptions and shall be sealed whenever such officer is author-  
as to Docu- ized by law to make use of a seal, and such copies  
ments, ss. 79— so certified shall be called certified copies.  
84.

*Explanation.*—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Such certified copies may be produced in proof of the contents of the Production of such public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents. 78. The following public documents may be proved as follows.—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette* or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

#### PRESUMPTIONS AS TO DOCUMENTS.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports

to be certified by any officer in British India or by any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine: Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer by whom any such paper purports to be signed or certified held, when he signed it, the official character which he claims in such paper.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the

Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

82. When any document is produced to any Court purporting to be a

Presumption as to documents admissible in England without proof of seal or signature.

England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

83. The Court shall presume that maps or

Proof of maps made for purposes of any cause. plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

84. The Court shall presume the genuineness of

Presumption as to collections of laws and reports printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

PART II.  
Ch. 5.—Presumptions as to documents, ss. 90.

and of every book purporting to contain reports of decisions of the Courts of such country.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to certified copies of foreign judicial records.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

88. The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to photographs, machine copies and telegraphic messages.

89. The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular

case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

*Explanation.*—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

#### Illustrations.

(a.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(b.) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(c.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

#### CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been written contract, reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

*Exception 1.*—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

*Exception 2.*—Wills under the Indian Succession Act may be proved by the Probate.

*Explanation 1.*—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

*Explanation 2.*—Where there are more originals than one, one original only need be proved.

*Explanation 3.*—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence of the same fact.

#### Illustrations.

(a.) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(b.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(c.) If a bill of exchange is drawn in a set of three, one only need be proved.

(d.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(e.) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

*Proviso (1).*—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality,

**PART II.** Ch. 6.—Exclusion of Oral Documentary Evidence, ss. 92—98.

want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

*Proviso (2).*—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

*Proviso (3).*—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

*Proviso (4).*—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

*Proviso (5).*—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

*Proviso (6).*—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

*Illustrations.*

(a.) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(b.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(c.) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(d.) A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(e.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(f.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(g.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(h.) A hires lodgings of B, and gives B a card on which is written—"Rooms, Rs. 200 a month." A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(i.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(j.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

**93. When the language used in a document**

Exclusion of evidence to explain or amend ambiguous document.

is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

*Illustrations.*

(a.) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(b.) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

**94. When language used in a document is**

Exclusion of evidence against application of document to existing facts.

pain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

*Illustration.*

A sells to B by deed 'my estate to Rampore containing 100 bigas.' A has an estate at Rampore containing 100 bigas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

**95. When language used in a document is**

Evidence as to document meaning in reference to existing facts.

plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

*Illustration.*

A sells to B by deed 'my house in Calcutta.' A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

**96. When the facts are such that the lan-**

Evidence as to application of language which can apply to one only of several persons.

guage used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

*Illustrations.*

(a.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(b.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

**97. When the language used applies partly to**

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

*Illustration.*

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

**98. Evidence may be given to show the mean-**

Evidence as to meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

ing of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

*Illustration.*

II.—Ex. 6.—  
of Oral Document. A, a sculptor, agrees to sell to B 'all my models.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

100. **99.** Persons who are not parties to a document, or their representatives in interest, may give evidence as to matter to which document relates. of any facts tending to show a contemporaneous agreement varying the term of the document.

*Illustration.*

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act relating to wills. provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

**PART III.****PRODUCTION AND EFFECT OF EVIDENCE.****CHAPTER VII.—OF THE BURDEN OF PROOF.**

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

*Illustrations.*

(a.) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed. A must prove that B has committed the crime.

(b.) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true. A must prove the existence of those facts.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

*Illustrations.*

(a.) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father. If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A. (b.) A sues B for money due on a bond. The execution of the bond is not disputed, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved. Therefore the burden of proof is on B.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

*Illustration.*

(a.) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

**104.** The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

*Illustrations.*

(a.) A wishes to prove a dying declaration by B. A must prove B's death.

(b.) A wishes to prove, by secondary evidence, the contents of a lost document. A must prove that the document has been lost.

**105.** When a person is accused of any offence, the burden of establishing the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

*Illustrations.*

(a.) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. The burden of proof is on A.

(b.) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control. The burden of proof is on A.

(c.) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments. A is charged with voluntarily causing hurt under section 325.

The burden of proving the circumstances, bringing the case under section 335, lies on the prisoner.

**106.** When any fact is especially within the knowledge of any person, especially within knowledge, the burden of proving that fact is upon him.

*Illustration.*

(a.) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b.) A is charged with travelling in a railway without ticket, the burden of proving that he had a ticket is on him.

**107.** When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

**108.** When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

**109.** When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

PART III.  
Ch. 7.—Burden of Proof, ss. 110—114.

Burden of proof as to ownership.

PART III.  
Ch. 8.—Es-  
toppel, ss. 115—117.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

111. When there is a question as to the good faith of a transaction between parties one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

*Illustrations.*

(a.) The good faith of a sale by client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(b.) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days

after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business in their relation to the facts of the particular case.

*Illustrations.*

The Court may presume—

(a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars.

(c.) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(e.) That judicial and official acts have been regularly performed.

(f.) That the common course of business has been followed in particular cases.

(g.) That evidence which could be and is not produced would, if produced, be unfavorable to the person who withholds it.

(h.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavorable to him.

(i.) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (a)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (b)—A person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (c)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (d)—A, the drawer of a bill of exchange, was a man of business. B, the accepter, was a young and ignorant person, completely under A's influence.

As to illustration (e)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (f)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (g)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (h)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (i)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

115. When one person has by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

*Illustration.*

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

116. No tenant of immoveable property, or estoppel of tenant. person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

117. No acceptor of a bill of exchange shall be permitted to deny that estoppel of acceptor of the drawer had authority to bill of exchange, bailee or draw such bill or to endorse licensee. it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

*Explanation (1).*—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

*Explanation (2).*—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

## CHAPTER IX.—OF WITNESSES.

**118.** All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

*Explanation.*—A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him, and giving rational answers to them.

**119.** A witness who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

**120.** In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses.

In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

**121.** No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

*Illustrations.*

(a.) A on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.

(b.) A is accused before the Court of Session, of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the superior Court.

(c.) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

**122.** No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

**123.** No one shall be permitted to give any evidence as to affairs published official records of State, relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

**124.** No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

**125.** No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

**126.** No barrister, attorney, pleader or *vakil*, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or *vakil*, by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or *vakil*, in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or *vakil*, was or was not directed to such fact by or on behalf of his client.

*Explanation.*—The obligation stated in this section continues after the employment has ceased.

*Illustrations.*

(a.) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me.

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b.) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

**127.** The provisions of section 126 shall apply to interpreters, and the clerks or servants or barristers, pleaders, attorneys and *vakils*.

Section 126 to apply

PART III.  
Ch. 9.—Witnesses, ss. 128—  
134.

PART III.  
Ch. 10—Examination of  
witnesses, ss. 135—138.

**128.** If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented to such disclosure as is mentioned in section 126; and if any party to a suit or proceeding calls any such barrister, attorney or vakil as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakil on matters which, but for such question, he would not be at liberty to disclose.

**129.** No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

**130.** No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

**131.** No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

**132.** A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

**133.** An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

**134.** No particular number of witnesses shall in any case be required for the proof of any fact.

#### CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

**135.** The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respect-

ively, and, in the absence of any such law, by the discretion of the Court.

**136.** When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

#### Illustrations.

(a.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(b.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

**137.** The examination of a witness by the party who calls him shall be called his examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

The examination of a witness, subsequent to the cross-examination, by the party who called the witness, shall be called his re-examination.

**138.** Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination, and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.

III.  
10-Ex.  
on of  
ss.  
Cross-examination of  
person called to produce a  
document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

141. Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

When they must not be asked.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

144. Any witness may be asked, whilst under examination, whether any evidence as to matters in writing. contract, grant or other disposition of property as to which he is giving evidence was not contained in a document; and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

*Explanation.*—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

#### Illustration.

The question is, whether A assaulted B. C deposes that he heard A say to D—‘ B wrote a letter accusing me of theft, and I will be revenged on him.’ This statement is relevant, as showing A’s motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which

Questions lawful in cross-examination.

tend (1) to test his veracity, (2) to discover who he is and what is his position in life, or (3) to shake his credit by injuring his character, although the answer to such questions might tend directly or indirectly to exonerate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

147. If any such question relates to a matter When witness to be compelled to answer. relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

148. If any such question relates to a matter Court to decide when question shall be asked and when witness compelled to answer. not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1.) Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2.) Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3.) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness’ character and the importance of his evidence.

(4.) The Court may, if it sees fit, draw from the witnesses’ refusal to answer the inference, that the answer if given would be unfavourable.

149. No such question, as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

#### Illustrations.

(a.) A barrister is instructed by an attorney or *vakil* that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(b.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(c.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

**PART III.** (d.) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living gives unsatisfactory answers. This may be a reasonable ground for witnesses, ss. asking him if he is a dacoit.

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amination of  
witnesses,  
149—156.

**150.** If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney, is subject in the exercise of his profession.

**151.** The Court may forbid any questions or inquiries which it regards as indecent and scandalous indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

**152.** The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Questions intended to insult or annoy.

**153.** When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely he may afterwards be charged with giving false evidence.

Exclusion of evidence to contradict answers to questions testing veracity.

*Exception 1.*—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

*Exception 2.*—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

#### Illustrations.

(a.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(b.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(c.) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(d.) A is asked whether his family has not had a blood feud with the family of B, against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

**154.** The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

**155.** The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court by the party who calls him:—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

*Explanation.*—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

#### Illustrations.

(a.) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(b.) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

**156.** When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

#### Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

158. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

159. A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

*Illustration.*

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

160. Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

161. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it see fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If, for such a purpose, it is necessary to cause any documents to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

*Illustration.*

III. 10. Evidence in reply to evidence of former inconsistent statements. 11. Im- ad- re- evi- 166.

162. When a party calls for a document which he has given the other party

Giving as evidence of notice to produce, and such document called for and produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

163. When a party refuses to produce a document which he has had

Giving as evidence of notice to produce, he cannot afterwards give the document as evidence without the consent of the other party or the order of the Court.

*Illustration.*

A sues B on an agreement and gives B notice to produce it. At the trial A calls for the document, and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

164. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question

Judge's power to put questions or order production. he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorize any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

165. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witness through or by leave of the Judge which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

166. The improper admission or rejection of evidence shall not be ground for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision; or that if the rejected evidence had been received, it ought not to have varied the decision.

No new trial for rejection or improper reception of evidence.

## SCHEDULE.

| Number and year.           | TITLE.   | Extent of repeal.  | Number and year.   | TITLE.   | Extent of repeal.   |
|----------------------------|--|--|--------------------|--|---|
| Stat. 26, Geo. III, C. 57. | For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty (intituled an Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India. | Section thirty-eight so far as it relates to Courts of Justice in the East Indies. | Stat. 14 & 15 Vic. | To amend the Law of Evidence.  | Section eleven and so much of section nineteen as relates to British India. |
|                            |  |  | Act XV of 1852 ... | To amend the Law of Evidence.  | The whole Act.  |
|                            |  |  | Act XIX of 1853    | To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency. | Section nineteen.   |
|                            |  |  | Act II of 1855 ... | For the further improvement of the Law of Evidence.  | The whole Act.  |
|                            |  |  | Act XXV of 1861    | For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter. | Section two hundred and thirty-seven.                                       |
|                            |  |  | Act I of 1868 ...  | The General Clauses Act, 1868.   | Section seven.  |

H. S. CUNNINGHAM,  
Off. Secy. to the Council of the  
Govr. Genl. for making Laws and Regulations.

## Government of Bengal.

## LEGISLATIVE DEPARTMENT.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1872, and was referred to a Select Committee who are to report thereon after the 24th February next:—

## THE BENGAL MUNICIPALITIES BILL, 1872

## ARRANGEMENT OF PARTS.

|   |        | Sections. | Sections.   |
|---|--------|-----------|---|
| PART I.—PRELIMINARY   | ...    | 1-7       | Chapter 4, Taxes on carriages and wheeled vehicles ... 58-69                                    |
| PART II.—MUNICIPAL AUTHORITIES—   |        |           | Chapter 5, Taxes on trades and callings ... 70-77   |
| Chapter 1, Municipal Commissioners ...  | ...    | 8-15      | Chapter 6, Taxes on processions, &c. ... 78, 79   |
| Chapter 2, Property and Contracts of the Commissioners                          | 16-20  |           | Chapter 7, Duties on articles ... 80-82   |
| Chapter 3, Their mode of transacting business ...                               | 21-25  |           | Chapter 8, Tolls ... 83-98  |
| Chapter 4, Ward Committees ...  | 26-28  |           |   |
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| PART III.—MUNICIPAL TAXATION—   |        |           | PART IV.—MODE OF RECOVERY OF MUNICIPAL TAXES ... 99-110   |
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*A Bill to amend and consolidate the law relating to Municipalities.*

WHEREAS it is expedient to amend and consolidate the law relating to Municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal, and to make better provision for the self-government of towns and places within the said territories, for the maintenance of police, for the conservancy and improvement of such towns and places, for the diffusion of education therein, and for other objects of utility calculated to promote the health, comfort, or convenience of the inhabitants of the said towns; It is enacted as follows:—

**1.** This Act may be cited as the "Bengal Municipalities Act, 1872."

**PART I.—PRELIMINARY.**

**2.** This Act shall be divided into thirteen several heads or parts:—

the *first* relating to preliminary matters; the *second* relating to municipal authorities; the *third* relating to municipal taxation; the *fourth* relating to the mode of recovery of municipal taxes; the *fifth* relating to the municipal fund and its application; the *sixth* relating to the registration of births and deaths; the *seventh* relating to the municipal police; the *eighth* relating to the intervention by Government in municipal affairs; the *ninth* relating to various municipal regulations for conservancy and otherwise; the *tenth* relating to municipal markets; the *eleventh* relating to the jurisdiction of Commissioners in municipal and other cases; the *twelfth* relating to third class municipalities; the *thirteenth* relating to miscellaneous matters.

**3.** The following words and expressions in this Context shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, (that is to say)—

"Magistrate of the 'district'" means the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate" means the officer exercising all or "any of the powers of a Magistrate, and charged with the immediate executive administration in criminal matters in any sub-division of a district, within which any place to which this Act may be extended may be situated, by whatsoever designation such officer is called. In respect to any such place which is not situated within a sub-division of a district, the powers by this Act conferred on the Magistrate may be exercised by the Magistrate of the district or by a Joint-Magistrate.

"Sub-divisional officer" means the officer in "sub-divisional officer." executive charge of a sub-divisional district.

"Municipality" means any place to which this Act or part thereof shall have been extended. A Municipality created under this Act shall be distinguished as a first class Municipality, or as a second class Municipality, in manner as in the next succeeding section is provided. Any place to which Part XII of this Act shall have been extended shall be deemed to be a third class Municipality.

"The Commissioners" means the persons appointed or elected by the rate-payers to conduct the affairs of any Municipality under this Act, and shall include ex-officio Commissioners under this Act.

"House" includes any hut, shop, or warehouse.

"Place" includes any town, village, hamlet, suburb, bazaar, station, or tract of country.

"Land" includes fields, plantations, and gardens.

"Bazaar" includes any place of trade where there "Bazaar." is a collection of shops or warehouses, and any place where a market is held.

"Road" means any road, street, square, court, "Road." alley or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, verandah, or other erection or structure, as may be between the roadway and the main wall of any house or houses adjacent thereto; and also the roadway over any public bridge or causeway within the place; and the expression "in or near any road" designates any site within the place. Provided that nothing in this section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

"Owner" means the person for the time being receiving the rent of the "Owner." land or premises, whether paid in money or in kind, or in charge of the thing in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to make any outlay by this Act required to be made by the owner of such land or premises in excess of the amount of the funds, or of the value of the produce belonging to the owner which he may have in his possession; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

"Official year" means the year beginning on "Official year." the first day of April, or such other date as may hereafter be fixed by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

**4.** All the provisions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the town of Calcutta and of the southern portion of Hastings as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to which the Lieutenant-Governor of Bengal may extend the same, and from such date as may by him be specified,

by notification in the *Calcutta Gazette*. Provided that every such notification shall specify such provisions of Parts IX and X of this Act as are thereby extended to such place, and all provisions contained in the two last mentioned parts as are not specially mentioned in the said notification shall be deemed to be of no force or effect whatever in the place to which such notification applies. From and after the date mentioned in the said notification such place shall be deemed and taken to be created a Municipality for the purposes of this Act; and it shall be lawful for the Lieutenant-Governor to define the limits of such Municipality, and from time to time to alter or amend such definition, and the Lieutenant-Governor shall declare at the time of extending the said Act to such place, whether the same shall, for the purposes of this Act, be a first class or a second class Municipality, and may at any time thereafter by notification alter the class. The Lieutenant-Governor may further, from time to time, by notification in the *Calcutta Gazette*, declare to be united for the purposes of this Act, any number of towns or villages or parts thereof; provided that no portion of this Act shall be extended to any village inhabited by persons more than one-half of whom may be employed in agriculture only, or dependent for support on lands so employed, or habitually exercising trades and occupations only for the use of persons so employed, except the provisions of Parts XII and XIII of this Act. All the provisions of Parts XII and XIII of this Act shall have effect in any place to which the same may be extended by the Lieutenant-Governor or by any officer empowered in that regard under Section 202 of this Act.

5. From and after the creation of any Municipality under the provisions of *Repeal of certain Acts*, the next preceding section, the provisions of the Acts named in Schedule (A) hereto annexed shall cease to have effect therein, except as to any assessment made, or as to any act done, or as to any liability incurred, or as to any money due, or as to any proceedings theretofore commenced. Provided that the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied or referred to. And all references made to any of the Acts named in the said schedule in subsequent Acts, orders or contracts, shall be read, so far as the context will allow, as if made to this Act.

6. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects, securities, and monies whether derived under the Acts mentioned in Schedule (A) appended to this Act, and other property, movable and immovable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder which shall, on the date on which this Act shall take effect in such town, be vested in, or held in trust for, the Commissioners or Committee appointed under any of the said Acts, who shall hereafter in this Act be designated the late Commissioners, or which would have been vested in, or held in trust for, such Commissioners but for the passing of this Act; and all such estate and interest of and in the same respectively as shall then be, or would have been in, or in trust for, the said late Commissioners or any of them, with all rights of way and other rights

All the property and rights of action of the Municipal Commissioners appointed under Acts mentioned in Schedule (A) vested in the Commissioners appointed under this Act.

and easements now used and enjoyed by the said Commissioners shall, on and from the date when this Act comes into operation in such town, be vested in the Commissioners under this Act and their successors; and all persons who shall then owe any money to the late Commissioners, or to any person on their behalf, shall pay the same to the Commissioners under this Act, or as they shall direct: and all monies which shall be then due, and owing by, or recoverable from, the late Commissioners, shall be paid by, or be recoverable from, the Commissioners; and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation to, with, or in favor of, or by, or for, the said late Commissioners, or any of them, or any person on behalf of such late Commissioners; and all rights of action and suit arising out of contract or otherwise—shall take effect, and may be proceeded on and enforced, as far as circumstances will admit, in favor of, by, against, and with reference to the Commissioners under this Act in such manner as the same would have taken effect, and might have been proceeded on and enforced in favor of, by, against, and with reference to the said late Commissioners, or any of them, if this Act had not been passed.

7. No action, suit, prosecution, or other proceedings, &c., by or against the Commissioners not to abate, menceed or carried on either &c. by or against the late Commissioners previously to the coming into operation of this Act, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue and take effect both in favor of and against the Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the late Commissioners, or any of them, if this Act had not been passed: and all decrees and orders made, and all fines and penalties imposed and incurred, respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Commissioners under this Act being, in reference to the matters aforesaid, in all respects substituted for the late Commissioners.

## PART II.—MUNICIPAL AUTHORITIES.

### Chapter 1.

#### *Municipal Commissioners.*

8. In any Municipality created under Part I of this Act, the Lieutenant-Governor shall, if the same shall have been declared by him to be a first class Municipality, and the said Lieutenant-Governor or any officer whom the Lieutenant-Governor may authorize in that behalf shall, if the same shall have been declared by the said Lieutenant-Governor to be a second class Municipality, from time to time appoint or cause to be elected, in manner as hereinafter provided, not more than seven and not less than three persons to be Commissioners for carrying out in such Municipality the purposes of this Act.

**9.** No person shall be appointed a Commissioner or a Member of a Ward Committee under this Act in any Municipality, who does not either reside or hold land or buildings therein or within five miles from any part of the limits thereof: provided also that when the mode of municipal taxation to be adopted therein shall have once been determined, no person shall be appointed therein a Commissioner or member of a Ward Committee who does not pay municipal taxes to the Commissioners thereof. Subject to the provisions of Section 12 every person so appointed shall continue in office three years, or until his successor shall have been appointed, and shall be eligible for re-appointment. The Lieutenant-Governor may from time to time accept the resignation of any such Commissioners or Commissioner, or may remove any such Commissioners or Commissioner for misconduct or neglect of duty, add to their number, and fill up vacancies occurring among them.

**10.** In addition to the Commissioners to be appointed or elected as aforesaid, the Magistrate of a district and the Magistrate in charge of a sub-division of a district, shall be ex-officio Commissioners of every Municipality situated within their respective jurisdictions, and it shall further be competent to the Lieutenant-Governor to appoint as a Commissioner of any such Municipality any officer in the service of Government holding a salaried office in the district in which the same is situate: provided that not more than one-third of the whole number of Commissioners shall be persons holding salaried offices in the service of Government, unless such persons be elected to be Commissioners under any of the provisions in this Act contained.

**11.** If at any time it shall appear to the Lieutenant-Governor of Bengal to be advisable that a certain number of the Commissioners of any Municipality shall be elected by the rate-payers, it shall be competent to the said Lieutenant-Governor to take measures for the election of such Commissioners by the rate-payers, subject to such rules in regard to qualification, election, and discharge, as he may think fit. Subject to the provisions of Section 12 the persons so elected shall continue in office for the term of three years, or until their successors have been elected, and shall be eligible for re-election. The Lieutenant-Governor may from time to time accept the resignation of any of the Commissioners so elected, or may remove any of such Commissioners for misconduct or neglect of duty, and may provide for filling up vacancies by election.

**12.** When Municipal Commissioners or any Ward Committee shall be for the first time appointed or elected in any Municipality, such number of the members thereof as the Commissioner of the Division may determine, and being not more than one-third of the whole, shall retire at the end of one year, and another equal number at the end of two years, and the rest at the end of three years, to be computed from the first day of the official year next following the date of the appointment or election of such Commissioners or Committee. The members who shall retire at the end of the first and

second years respectively shall be decided by lot. But the ex-officio members appointed under Section 10 of this Act shall not be liable to retirement under this Section. Any person appointed or elected to a vacancy caused by the withdrawal, or removal, or death of another member shall fill such vacancy for the unexpired remainder of the term for which the outgoing member, may have been elected or appointed. The Chairman shall keep a roll in which the names of the

Seniority of members. Commissioners shall be entered in order of seniority according to the dates of their appointment or election. In case of two or more Commissioners being appointed or elected on the same day, the Chairman shall decide the order of seniority between them.

**13.** The Magistrate of a district, or the Magistrate in charge of a sub-division, if delegated by the Magistrate for the purpose, shall be ex-officio Chairman of the Commissioners for any Municipality situate within the district or sub-division under his charge. The Commissioners shall elect their own Vice-Chairman, who shall hold office for one year from the date of his election, and who shall be eligible for re-election at the end of such year.

**14.** The Commissioners shall have and use a common seal, and shall have their names engraved thereon in legible characters in the English language, and also in the vernacular language of the district. All contracts entered into in respect of any sum exceeding twenty rupees shall be in writing, and shall be sealed with the common seal of the Commissioners, and on their behalf, in the presence of at least two of the Commissioners, one of whom shall be the Chairman, or in the absence of the Chairman, the Vice-Chairman, who shall certify the same by affixing their signatures as witnesses at the foot of the instruments. All such contracts shall be varied or discharged in a similar manner.

**15.** The Commissioners shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Commissioners of," and in such name so described, they shall be competent to hold property, movable and immovable, to them and their successors as a body corporate, and to convey the same and to enter into all necessary contracts for the purposes of this Act.

## CHAPTER 2.

### *Property and Contracts of the Commissioners.*

**16.** All public streets in any Municipality (not being private property) vested in the Commissioners existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners and their successors. But it shall be competent to Government from time to time, by notification, to exclude any road or street from the operation of this Act, and to cancel such notification wholly or in part.

**17.** It shall be lawful for the Commissioners to agree with the person or persons in whom the property over and repair certain streets. take over the property there-in, and after such agreement to declare, by notice in writing put up in any part of such street, that the same has become a public street. Thereupon such street shall vest in the Commissioners and their successors, and shall thenceforth be repaired and kept up out of the Municipal Fund.

**18.** All or any hospitals, dispensaries, schools, Existing hospitals, schools, rest-houses, markets, tanks, and wells, not being private property, or the property of a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being private property, which at the time this Act comes into operation in any town, shall be found therein, may, by notification of the Lieutenant-Governor, be vested in the Commissioners, and thereupon all endowments or funds belonging to such hospitals, dispensaries, schools, or rest-houses shall be transferred to and vested in the Commissioners as trustees, to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified in English and in the vernacular language of the district in such manner as the Lieutenant-Governor shall from time to time direct.

**19.** The Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

**20.** When the Commissioners may be unable to agree with the owner of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon representation of the Commissioners, and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government, and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Commissioners of the compensation awarded, such land shall vest in them for the purposes of this Act.

### CHAPTER 3.

#### *Their mode of transacting business.*

**21.** The Commissioners shall keep an office where they shall meet for the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman, and all questions which may come before them at any meeting shall be decided by a majority.

**22.** The Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and in the absence of both the Chairman and Vice-Chairman, the Commissioners shall choose some one of their number to preside. In cases of equality of votes the President shall have a casting vote.

**23.** No business shall be transacted at a meeting unless at least four Commissioners be present.

**24.** In any case of emergency, the Chairman, or, in his absence, the Vice-Chairman, shall exercise all the powers vested by this Act in the Commissioners.

Provided that it shall not be lawful for the Chairman or the Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting. Any Chairman or Vice-Chairman acting under this section shall inform the Commissioners thereof at the next meeting held thereafter.

**25.** The Chairman shall from time to time appoint all such overseers, clerks, and subordinate officers and servants as he may think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places. And out of the Municipal Fund he shall pay, or cause to be paid, such salaries to the said persons respectively, as may from time to time be determined by the Commissioners at a meeting; or, in case of absence on leave, such portion thereof as may appear to the Commissioners to be reasonable. He may, with the sanction of the Commissioners, make such rules as he may think fit as to the manner in which, and as to the persons by whom, all duties connected with the collection of the tax or the preparation of the assessment, shall be performed, provided such rules be in all respects consistent with the provisions in this Act contained. Provided that no salary amounting to more than one hundred and fifty rupees a month shall be assigned to any officer or clerk by Municipal Commissioners under this Act without the sanction of the Commissioner of the Division. He shall also take from every collector of Municipal taxes, duties, or tolls, such security for the sums collected by him as he may think proper.

### CHAPTER 4.

#### *Ward Committees.*

**26.** It shall be lawful for the Magistrate, on the recommendation of the Commissioners at a meeting, to divide any Municipality into wards, and thereupon there shall be appointed for each ward not less than three persons qualified to be Commissioners, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee, and the said Magistrate may define the limits of the ward for which any Ward Committee may be appointed or elected. All question regarding the removal, resignation, and filling up vacancies among the members of Ward Committees shall be settled by the Commissioner at a meeting.

**27.** A Ward Committee shall exercise, within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

**28.** The Chairman of each Ward Committee shall be appointed by the Chairman of the Commissioners, and each Ward Committee may, if it see fit, elect their own Vice-Chairman from among their own number.

#### CHAPTER 5.

##### *General Provisions.*

**29.** No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

**30.** No Commissioner or member of a Ward Committee, or servant of the Commissioners or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

#### PART III.—MUNICIPAL TAXATION.

##### CHAPTER 1.

###### *Power of the Commissioners to impose Taxes, Duties, and Tolls.*

**31.** It shall be lawful for the Commissioners of any Municipality within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy:—

(a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.

(b)—A tax not exceeding  $7\frac{1}{2}$  per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.

(c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.

(d)—A tax on trades and callings carried on and exercised within the said limits.

(e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.

(f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hâts, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenant-Governor shall direct.

(g)—Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

#### CHAPTER 2.

##### *Taxes on persons.*

**32.** When it shall have been determined that an annual tax on persons according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It shall be competent to the Commissioners or to a Ward Committee or to the Magistrate to omit from the list prepared under this section any person who may by them or him be deemed too poor to be assessed to the tax leviable under this Chapter.

**33. The Commissioners or the Ward Committee shall, if the Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.**

Existing assessment may be revised.

**34. When any assessment shall have been prepared, or shall have been revised and amended by any Ward Committee, such Ward Committee shall forthwith forward to the Commissioners the list containing the same, and such Commissioners shall examine, and, if necessary, amend and settle it.**

Commissioners to examine assessment of Ward Committee.

**35. When an assessment shall have been prepared or revised and amended directly by any Commissioners, and not by a Ward Committee, such Commissioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.**

Magistrate may amend and settle assessment as made or revised by the Commissioners.

**36. When the assessment in any Municipality shall have been so made and settled as provided by the preceding sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule B to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.**

Assessment to be published.

**37. Unless and until revised and amended as herein is provided, every assessment, as settled under Section 34 or Section 35, shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment**

Assessment to stand good for three years.

**Change of occupation before a new assessment.** shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.

**38. Whenever the period for which any assessment is valid, as provided in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next following.**

Power to adopt old assessment.

**39. If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.**

**40. As soon as possible after an assessment shall have been adopted under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.**

**41. Any person who shall have been assessed by any Commissioners, of whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that**

**Limitation of appeal.** no appeal shall be received after the expiration of one month from the time of the notification of the assessment prescribed by Sections 36 or 40 or of the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

**42. Any person who shall have been assessed by Commissioners of whom the Magistrate has been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41.**

and the orders passed by the Commissioners on such application shall have the same effect and finality as orders passed by the Magistrate under the said section. Applications under this section to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section 41.

**43.** Any person who shall have been assessed by a Ward Committee, and Appeals from assessment made by Ward Committee, who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal to the Commissioners. And with regard to such appeals, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41, and the orders passed by the Commissioners at a meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under the said section. Appeals to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under the said section.

**44.** It shall be lawful for the Magistrate at any time to require any Power to assess on account of newly occupied Commissioners or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Sections 41, 42, or 43, within one month after the service of such notice.

**45.** It shall be lawful for any person upon whom any assessment shall have been made, who shall, during the period for which such assessment is valid have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected, and circumstances may have changed during the period aforesaid, to apply on unstamped paper to the Commissioners; and in case such Commissioners shall not grant the prayer of such application, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same; and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

**46.** The Commissioner of the division, with the sanction of the Government, may at any time direct the Magistrate to revise, or to cause to be revised by the Commissioners or Ward Committee,

the assessment of any Municipality, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and if necessary amend the same, or cause it to be revised and amended.

### CHAPTER 3.

#### *Taxes on houses.*

**47.** When it shall be determined that a tax on the annual value of houses, buildings, and lands shall be imposed in any Municipality, such tax shall be paid by the owners of such houses, buildings, and lands by quarterly instalments, except as hereinafter provided.

**48.** The gross annual rent at which the houses, buildings, and lands liable to the tax may be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year, commencing from the date on which this Act shall have come into operation.

**49.** Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate. The amount so assessed shall be payable by the owner of the house or building, who shall thereafter be entitled to deduct from the rent which he pays for the ground, such proportion of the tax so paid by him as is equal to the proportion which his rent bears to the annual value of the whole property assessed.

**50.** If the sum due on account of any tax from the owner of any house, building or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises, and whenever such tax shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that if the tax so deducted is a consolidated tax payable by the owner of a house or building under the next preceding section, the same shall, after such deduction, be deemed to have been paid by such

owner within the meaning of the last mentioned section.

**51.** The Commissioners shall, at a meeting to be held as soon as may be after their appointment, <sup>Rate of annual tax</sup> assess or determine the rate of such annual tax to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall determine the rate of such tax for the ensuing year.

**52.** The Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect and measure any such houses, buildings or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands, shall have been completed, the Commissioners shall cause lists containing the valuation and assessment to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

**53.** The Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time valued, or the valuation is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

**54.** After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown therein, and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year for which the amendment of assessment shall be made. Provided always that the Chairman or Vice-Chairman may at any time amend the said lists by inserting therein the name of any person whose name ought to be so

inserted, or by inserting any property liable to the tax, after giving notice to such person as may be interested in the making of the amendment, of a day not being less than fifteen days from the date of the service of such notice, when such amendment is to be made, or by striking out any property not liable to the tax, or reducing the amount of the tax, without notice; and in all cases in which any property is inserted as liable to the tax, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof; and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice of such amendment.

**55.** It shall not be necessary to prepare new lists, or to determine the rate of the tax every year, but the Commissioners may adopt the valuation and assessment contained in the lists for the preceding year (with such alteration as may in particular cases be deemed necessary), as the valuation and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 53 of this Act.

**56.** Appeals against any tax assessed under this Act shall be heard and determined by not less than three Commissioners and their adjudication, and the assessment by the Commissioners of any tax when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

**57.** When any house shall have been vacant for sixty or more consecutive days during any year, the Commissioners shall remit so much of the tax of that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

#### CHAPTER 4.

##### *Taxes on carriages and wheeled vehicles.*

**58.** When it shall be determined that a tax on carriages, horses, and elephants shall be imposed in any Municipality, the Commissioners shall declare at what rates, not exceeding the rates given in Schedule (C) to this Act annexed, such tax shall be imposed on all carriages, horses, and elephants kept within the limits of such place; and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include, gun-carriages, or ordnance carts or wagons; cavalry horses or horses of the mounted police; horses belonging to officers

doing regimental duty, at the rate of one horse for each officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bond fide* dealers.

**59.** Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

*Exemption of carriages under repair.*

**60.** Whenever the owner of the carriage, horse, or elephant, let out for hire, and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

**61.** The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such person, in lieu of the rates specified in the schedule.

**62.** The Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax thereon.

**63.** In order to enable the Commissioners to have such list prepared, the Commissioners, or any officer authorized by them, may send to all persons supposed to be liable to the payment of the tax, a schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, and signed and dated and returned to the office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

**64.** The Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

*Power to summon persons liable to tax.*

**65.** Any person who may dispute his liability to the payment of such tax, or the amount of any such assessment, may appeal to the Commissioners: provided that such appeal shall be commenced within Proviso. ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

**66.** Appeals against any such assessment shall be heard and determined by not less than three Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so made in any other manner than by appeal to the Commissioners as hereinbefore provided.

#### *Registration of wheeled vehicles.*

**67.** It shall be lawful for the Commissioners of Registration and number of hackeries, &c. any Municipality at a meeting, with the sanction in writing of the Lieutenant-Governor first obtained, to declare and direct, by notification published in such manner as the Lieutenant-Governor may order, that every cart, hackery, and other wheeled vehicle without springs kept and used within, or let for hire within or without such place, and used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

**68.** The registration of carts, hackeries, and other vehicles under the Fee for registration. last preceding section shall be made, and the numbers assigned half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

**69.** Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused

*Penalty for not registering a cart or hackery.*

the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackney, or other vehicle within a further period of twenty days, shall become vested in the Commissioners, and be employed for the purposes of this Act.

#### CHAPTER 5.

##### *Taxes on trades and callings.*

**70.** When it shall be determined that a tax on trades and callings shall be imposed in any town, such determination shall be notified, in such manner as the Lieutenant-Governor may direct, and from the 1st day of April next following such notification, every person who shall within the town exercise any of the professions, trades, or callings specified in Schedule (D) to this Act annexed shall take out a license, and shall pay for the same an annual fee not exceeding such sum as in the said schedule is mentioned. The table of fees leviable under this chapter shall be fixed from time to time by the Commissioners, subject to the confirmation of the Lieutenant-Governor.

**71.** Every license under the next preceding section shall be granted by the Commissioners, and to the Commissioners, or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

**72.** Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January next following the notification shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

**73.** Every person to whom such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he shall desire to continue such profession, trade, or calling.

**74.** The Chairman, or in a first class municipality a sub-committee of the persons required by this Act to be licensed, shall determine under which of the classes mentioned in the Schedule (D) to this Act annexed every person to whom a license may be granted shall be assessed. The Commissioners at a meeting shall from time to time declare what are to be considered bazaars, fairs, or public markets, within the meaning of this Act.

**75.** As soon as may be after the first day of September in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the office of the said Commissioners, and be open to public inspection at all reasonable times.

**76.** If at any time after three months have elapsed from the day of the date of the said notification, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section 69, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which, in the judgment of such Magistrate, would have been payable by such person in respect of a license duly taken out as aforesaid.

**77.** Any person required by Section 69 to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license when required so to do by an officer duly empowered in writing by the Commissioners to make such requisition shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

#### CHAPTER 6.

##### *Taxes on processions, &c.*

**78.** When it shall have been determined that a tax shall be levied in any Municipality on processions and any public ceremonies not exclusively religious, such determination shall be duly notified, and from the date of such notification no person shall organise or conduct a procession or public ceremony within the limits of such Municipality without first taking out a license from the Commissioners. Licenses under this section shall be granted at the following rates namely:—

| License for a procession or ceremony whereat elephants are to be used, or fire-works are to be displayed, or guns fired | Rate of license.      |
|---|-----------------------|
| ...   | 100 Rs. for each day. |
| License for a procession or ceremony whereat more than two hundred persons are to attend...                             | 50 "                  |
| License for a procession or ceremony whereat more than fifty and not more than two hundred persons are to attend ...    | 10 "                  |
| License for a procession at which less than fifty people are to attend  | 2 "                   |

**79.** Any person who may organize or conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fee payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

#### CHAPTER 7.

##### *Duties on articles.*

**80.** When it shall have been determined that duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

**81.** When it shall have been determined that market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

**82.** It shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

#### CHAPTER 8.

##### *Tolls.*

**83.** When it shall have been determined that Municipal Funds shall be raised by tolls on ferries within the limits of a Muni-

cipality the Commissioners shall notify the ferry or ferries at which such tolls shall be levied; and shall also notify such rates of tolls as the Lieutenant-Governor may from time to time sanction. A table of tolls, written or printed, in the English and native languages, shall be hung up in some conspicuous place near every ferry so as to be easily read by all persons crossing at the ferries.

**84.** Every toll-keeper or ferry lessee who shall neglect to hang up and keep in good order and to put up a table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

**85.** Every toll-keeper or ferry lessee who shall ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

**86.** Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

**87.** The Commissioners may make rules, subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

**88.** Every person who shall convey for hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either sides above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

this section shall subject to such penalty any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said settlement.

**89.** The Commissioners may appoint at any ferry managed under this **Toll-keepers.** Act toll-keepers, and may collect the tolls through such toll-keepers, or they may grant a lease of any such ferry for any period not exceeding three years.

**90.** It shall be lawful for the Lieutenant-Governor to make over **Lieutenant-Governor** any existing **ferry.** to the Commissioners any existing ferry within the limits of the Municipality, and such ferry shall thenceforward be subject to the provisions of this **Act.**

**91.** When it shall have been determined that tolls shall be levied **Tolls on vehicles, &c.** on vehicles and beasts entering town. of burden entering any town, the Commissioners shall submit to the Lieutenant-Governor a table of rates and rules for the levy of such tolls; and the Lieutenant-Governor may modify or approve such tables and rules. The rules and rates, so modified or approved, shall not take effect until one month after they shall have been duly notified. Provided that the rates shall in no case exceed the rates laid down in Schedule (E) appended to this **Act.**

**92.** The tolls or rates determined as in the **Tolls to be levied on carriages, carts, and animals entering the Municipal limits.** next preceding section shall be levied upon all carriages, carts, and animals entering the municipal limits; and the Commissioners may construct toll-bars, gates, and gate-keepers' stations, and may place the collection of such tolls under the management of such persons as may appear to them proper, or may lease out the same for any period not exceeding three years, and shall frame bye-laws in manner hereinafter provided for the guidance of such toll collectors; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this **Act.** Provided that this section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners: provided also that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours from midnight to midnight.

**93.** In case of non-payment of any such **In case of non-payment of toll on demand, the officer of toll, vehicle, &c., may be seized.** toll on demand, the officer appointed or duly authorized to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale. Any balance that may remain shall be returned, on demand, if made within twelve months, to the owner of the property, and

if unclaimed after such period, shall be credited to the Municipal Fund. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice in writing that, after the expiration of two days, exclusive of Sunday, they will sell at such place as they may state in the notice the property by auction. Provided that if at any time before the sale has actually begun the person whose property has been seized shall tender to the Commissioners, or other officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

**94.** No tolls shall be paid for the passage of troops on their march, **Troops, military stores, &c.,** or of military or Government stores, or of military or police officers on duty, or of any person or property in their custody, or of conservancy carts or other such vehicles belonging to the Commissioners; but no other exemption from payment of the tolls levied under this **Act** shall be allowed.

**95.** It shall be lawful for the Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this **Act** in respect of carriages, carts, or animals entering the municipal limits; and the Commissioners shall issue licenses for such carriages, carts, or animals; and while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits. Provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

**96.** In all cases of resistance to the lawful **Police to assist toll collectors.** authority of the toll-collectors, all police officers shall be bound to assist the toll collectors when required; and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

**97.** Every person other than persons appointed or duly authorized to collect the tolls under this **Act**, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this **Act**, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this **Act**, shall be deemed to have committed the offence of cheating or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

**98.** A table of the tolls authorized to be taken at any toll-gate or **Table of tolls to be exhibited.** station, legibly written or painted in English words and figures, and in the vernacular language or languages of the district, shall be put up in a conspicuous place near such gate or station.

**PART IV.—MODE OF RECOVERY OF MUNICIPAL TAXES.**

**99.** Every tax collector shall prepare from the lists hereinbefore mentioned a register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is made, and the amount payable quarterly by each person in the Municipality or division, or portion of a Municipality in which the duties of such tax collector are to be performed; and every such list shall be attested by the Chairman.

**100.** Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the month in the said quarter.

**101.** When any sum is due on account of any tax leviable under this Act, the Chairman shall, unless otherwise specially provided in this Act, cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

**102.** For all sums collected on account of any tax under this Act, a receipt shall be given signed by the tax collector or by some other officer who may have been specially authorized by the Magistrate to grant such receipts.

**103.** The Tax Collector or other officer appointed on that behalf shall remit, in such manner and at such times as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other officer authorized on that behalf, shall give the tax collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Municipal Fund.

**104.** If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the Form (A) in Schedule F annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or show to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Form (B) in Schedule F set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Municipality, or

of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

**105.** Every warrant of distress and sale under the last preceding section shall be issued by the Magistrate, and shall be in the Form (C) in Schedule F set forth. The officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the town or division thereof in which the property is situated and by serving on the defaulter a notice in the Form (D) in Schedule F. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public manner possible; and the proceeds shall be applied in

discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax collector or other officer appointed on that behalf under this Act shall make a return of all such sales to the Magistrate in the Form (E) specified in Schedule F; and the costs upon every such proceeding shall be such as are mentioned and set forth in Form (B) in Schedule F annexed to this Act.

**106.** If no sufficient goods or chattels belonging to a defaulter or being upon the premises in respect of the occupation of which the tax is due can be found within the Municipality in which the premises are situate, the Magistrate on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall back the warrant so issued, and cause it to be executed and the amount (if levied) to be remitted to the Magistrate issuing the warrant.

**107.** All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of the occupation of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months shall be recovered by distress and sale of the goods and chattels of any person, other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.

**108. Every tax collector and other servants appointed for, or employed**

No person employed in collection of tax to buy distressed goods.

of the tax under this Act, is prohibited from bidding for or purchasing any property at such sales as aforesaid. Any person purchasing property in contravention of this section shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and the sale shall be quashed and the property declared liable to resale.

**109. The Magistrate shall cause a regular account to be kept of all distresses levied and sales made for the realization of arrears under this Act.**

**110. Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.**

**PART V.—MUNICIPAL FUND AND ITS APPLICATION.**

**111. All monies, rents, and profits received by the Commissioners by what shall constitute virtue of this or any other**

Act, and all fines, fees, and penalties paid or levied under this Act, and all other monies which, under sanction of Government, may be transferred to such Commissioners, shall constitute a fund, which shall be called the Municipal Fund, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

**112. The Commissioners shall set apart annually out of the Municipal Fund a sum sufficient for the maintenance of police officers appointed or employed under Act V of 1861, or any other Act which may for the time being be in force for the regulation of the police within the territories subject to the Lieutenant-Governor of Bengal or any part thereof; provided that the number of police officers shall be determined in manner as hereinafter provided.**

**113. The Municipal Fund, after a sum has been set apart as in the manner provided by the next preceding section, may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, be applicable within the towns in which it is raised, to the following purposes, that is to say—**

(1)—The construction, repair, and maintenance, of streets and bridges.

(2)—Works of public utility calculated to promote the health, comfort, or convenience of the townspeople; including the supply of water, expenses of lighting of streets, the construction, repair, and maintenance of hospitals, dispensaries, lunatic asylums, rest-houses, tanks, wells, and markets; also the payment of all charges connected with the objects for which such buildings were constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspections, the registration of births and deaths, the cleansing of

tanks or wells, and the application of the Indian Contagious Diseases Act.

(3)—The diffusion of education, and with this view, the construction and repair of school-houses, the establishment and maintenance of schools either wholly or by means of grants-in-aid, the inspection of schools and training of teachers.

(4)—The support or relief of the poor in times of exceptional distress and scarcity.

**114. It shall be competent to the Commissioners, with the sanction or Contribution to extra Municipal expenditure.**

Lieutenant-Governor, to contribute a portion of the Municipal Funds towards the expenses incurred in any other Municipality under this Act, or in any district or sub-division under the District Road Cess Act 1871 passed by the Lieutenant-Governor of Bengal in Council, where such expenditure is incurred for any of the purposes described in the last preceding section, and is calculated to benefit the inhabitants of the contributing town, or to relieve exceptional distress in the neighbourhood; provided always that, where such contribution has not been originally recommended by the Commissioners, it shall not be obligatory upon them until the proposal to make such contribution shall have been submitted to them by the Lieutenant-Governor, and they shall have had the opportunity of offering their opinions thereon.

**115. It shall be competent to the Lieutenant-Governor to appoint, from time to time, such officers as may be required for the purpose of inspecting or superintending the operations of the Municipalities created by this Act, and to assign to them such salaries as the Lieutenant-Governor shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several Municipalities established under this Act. And the said Lieutenant-Governor may direct that the municipalities in any district or division shall pay such sum as he may consider reasonable towards the cost of clerks or other establishment maintained in the office of the Collector or Commissioner for purposes of supervision under this Act.**

**116. The Commissioners shall consider and pass at a meeting, a statement or estimate showing the probable receipts, and the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of April then next, and the items in respect of which it is proposed to incur such expenditure, and may also consider and pass a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised in the official year then current for the purposes of this Act.**

**117. Copies of the aggregate estimates for any Municipality which shall have been passed under the provisions of the next preceding Section, and if necessary, translations thereof into the vernacular of the district, shall be lodged in the offices of the Magistrate of the district and of the Magistrate, and at some convenient place within such Municipality. During fourteen days after such estimates shall have been so lodged in the said offices, of which due notice shall be**

publicly given, such estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times and seasons by any rate-payer of such town who may desire to inspect the same.

**118. As soon as is practicable, after the expiration**

Estimate to be transmitted to Magistrate of district and Commissioner of Division.

of the said fourteen days, the Magistrate shall transmit to the Magistrate of the

district the said estimates,

with any remarks or objections thereupon which may have been recorded by himself or by the Municipal Commissioners at a meeting. The Magistrate of the district shall transmit to the Commissioner of the Division the said estimates, together with any remarks or objections made by the Magistrate or the Municipal Commissioners, and his own opinion thereon.

**119. The Commissioner of the division**

Power of Commissioner of division as to estimates.

shall sanction, if unobjectionable, any estimate forwarded under the next

preceding section. If he see any objection to such estimate he may record his objection: and he shall have power to remit for reconsideration the estimate of any Municipality made under this Part which may have been voted by less than two-thirds of the Commissioners of such Municipality.

**120. The Commissioners shall, at such time**

An annual report of proceedings, &c., to be submitted.

or times, and in such form as the Lieutenant-Governor

shall direct, furnish an annual report of their proceedings and statements in detail of all the works executed by them, and of all sums received and expended by them. All the municipal accounts shall be audited by such person and in such manner as the Lieutenant-Governor shall direct. The annual report shall be published in the *Calcutta Gazette*.

**121. All sums collected under this Act, and**

Disposal of sums collected.

all funds appropriated by Government for the purposes of this Act, shall be paid

into the nearest Government treasury of the district, or, with the sanction of Government, into any Bank or branch Bank, or Native Banker established in or near to the Municipality, and shall be credited to an account to be called the Municipal Fund of the Municipality where they have been raised, provided always that it shall be competent to the Commissioners, with the sanction of Government, to invest any sums not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by Government.

**122. All orders for payment of money from**

Mode of drawing money.

the Municipal Fund shall be signed by the Chairman or, in his absence, by the Vice-Chairman, or, in the absence of the Vice-Chairman, by any two of the Commissioners.

**123. Within one month after the commence-**

Accounts to be prepared.

ment of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Municipal Fund during the previous year; and shall cause such accounts to be laid before the

Municipal Commissioners for the space of one month, and shall cause copies of such accounts and of any remarks made thereon by the Municipal Commissioners to be forwarded to the Magistrate of the district, who shall forward the same to the Commissioner of the Division.

**PART VI.—REGISTRATION OF BIRTHS AND DEATH.**

**124. It shall be lawful for the Commis-**

Commissioners may keep a register of births and deaths, and appoint Registrars within the Municipality, and for this purpose they

shall divide the Municipality into such and so many districts as they shall think fit, and for every such district they shall appoint a person to be Registrar of births and deaths within such district.

**125. Every Registrar shall dwell within**

Every Registrar to live in his district; list of Registrars to be published, &c.

the district of which he is Registrar, and shall cause his name, with the addition of Registrar for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Commissioners shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the town.

**126. The Commissioners shall cause to be**

Commissioners to have register books prepared and numbered.

prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place within the Municipality according to the forms prescribed in Schedules (G, and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

**127. Every Registrar shall inform himself**

Registrar to inform himself of, and register of every birth and death which shall happen in his district after births and deaths.

carefully of every birth and of every death which shall happen in his district after the first day of September, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

**128. The father or mother of every child born**

Information of births to be given within one month.

within the Municipality, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

**129.** Some one of the persons present at the death, or in attendance during the last illness, of every person dying within the Municipality, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this section, shall be liable to a penalty not exceeding one hundred Rupees.

**130.** Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

#### PART VII.—MUNICIPAL POLICE.

**131.** At such time or times, and in such form as the Lieutenant-Governor shall direct, the Commissioners at a meeting shall prepare a statement of the police force required for their Municipality, and such statement, when passed at a meeting of the Commissioners shall be forwarded to the Lieutenant-Governor through the Magistrate to the Commissioner of the division, who shall either himself sanction or amend the statement, or shall forward it to the Lieutenant-Governor for sanction or amendment, according as the said Lieutenant-Governor may, in each case from time to time, direct who shall sanction or amend such statement. The police force, according to the statement finally approved by the Lieutenant-Governor, shall be the police force of the Municipality for the year next ensuing, and its cost shall be incorporated on the estimates of expenditure to be prepared under this Act.

**132.** When the strength and the cost and distribution of the police of any Municipality shall have been settled under the next foregoing section, no alteration shall be made in such strength or cost or distribution of costs, save on the recommendation of the Commissioners and with the sanction of the Lieutenant-Governor of Bengal, or of the Commissioner of the division in cases where the Lieutenant-Governor may have delegated to the Commissioner powers under this section.

**133.** The Commissioners or a sub-committee of the town police force; provided that no police officer above the rank of constable shall be dismissed or suspended without the sanction of the magistrate of the district; and provided that all the acts of a sub-committee under this section shall be liable to revision by the Commissioners at a meeting.

**134.** No police officer, who forms part of the strength of the Municipal Police paid under Act not to be employed beyond town, shall be liable to serve beyond the limits of the Municipality, save in execution of duties imposed on him by his employment as a police officer of such Municipality.

**135.** As soon as possible after the close of each month the District Superintendent of Police shall, as regards each Municipality, present to the Magistrate, in whose jurisdiction such Municipality may be situated, a bill showing the actual expenses incurred during the preceding month in the payment of the said force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the bill is substantially in accordance with the estimate for such town, shall cause the amount of such bill to be paid to the District Superintendent from the Municipal Fund.

**136.** The total amount which shall be chargeable to the Municipal Fund for the cost of any police force which may be sanctioned by the Government for employment within any town, including the contingent expenses of such force, shall not exceed the average rate of one rupee and eight annas per annum for each house in such town, provided that the number of police officers appointed shall not be greater than one superior officer for every fifteen constables, and one constable for every fifty houses.

#### PART VIII.—INTERVENTION BY THE GOVERNMENT.

**137.** If the Commissioners of any Municipality fail to effect the necessary repairs and maintenance of roads, or to pay for the police of the town, it shall be lawful for the Commissioner of the Division in which such Municipality is situated to convene a Committee, consisting of the district sub-divisional Magistrate, the executive engineer of the division, the civil surgeon, and two members nominated by the said Commissioner; and such Committee shall inquire into and report upon the state of such Municipality. And the Lieutenant-Governor may, on the report of such Committee call upon the Commissioners, by requisition in writing signed by him and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Act, and thereupon if the Commissioners neglect for the space of three months then next ensuing to comply with the said requisition, the Lieutenant-Governor may direct the Magistrate to raise the necessary funds under the provisions of this Act and carry out in all respects the purposes thereof.

**138.** When it shall appear to the Lieutenant-Governor in regard to any first class Municipality, or if Commissioners fail to maintain district roads or provide means of or to such officer as he may elementary education, delegate authority under this section in regard to any second class Municipality, either that due provision is not made for the construction and maintenance in the municipal limits of any district road passing through such limits, and that hinderance to the traffic of the country is caused thereby, or that reasonable elementary education is not available at a fair cost for children of the residents, it shall be lawful for

the Lieutenant-Governor, or such delegated officer as aforesaid, to call upon the Commissioners to repair or maintain such roads, or to provide such means of elementary education as may seem to the Lieutenant-Governor fit; and in case they shall not within three months make due provision for the same, to authorize the Magistrate to collect and apply to these purposes any of the municipal taxes hereinbefore authorized to be imposed.

**139.** It shall be lawful for the Lieutenant-Governor to direct the Commissioners of any Municipality to contribute the whole or a part of the cost of any

Commissioners may be required to contribute towards the cost of Government schools.

elementary school established within such municipality, provided that in no case shall the contribution made under this section for any one year exceed one-sixth part of the balance of the Municipal Fund available, after the cost of police has been met, for carrying out the purposes of this Act. An elementary school shall be deemed to be a vernacular school or a school with a vernacular department, provided that the fee for each vernacular scholar at such school be not more than one anna per month.

#### PART IX.—MUNICIPAL REGULATIONS.

##### CHAPTER I.

###### *Duties of Commissioners, &c.*

**140.** The provisions of this and the next succeeding Part shall not have force in any Municipality until they shall have been specially extended thereto, and it shall be lawful for the Lieutenant-Governor of Bengal to extend any or all of the sections in this Part to any Municipality created under this Act, and the said Lieutenant-Governor shall have power to withdraw any Municipality from the operation of all or any of the sections of this Part.

**141.** The Commissioners may cause a name to be given to any road and affixed in such place or places as they may think fit, and may also cause a number to be affixed to every house in every road for the purpose of identifying such house; and the Commissioners at a meeting may cause such names and numbers to be altered.

**142.** The Commissioners shall provide all cattle, carts, and implements required for the removal of night-soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night-soil, dung, and other filth, and for keeping all cattle, carts, and implements required for the removal thereof, and for other purposes of conservancy.

**143.** It shall be the duty of the occupier of every house within the limits of any Municipality to remove night-soil, &c., to carts of Commissioners. Occupiers of houses to remove night-soil, &c., to carts of Commissioners. Proviso. manner as the Commissioners may direct. Provided that of the occupier of any house shall prefer to carry

away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 146 of this Act.

**144.** All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected

All rubbish collected to be the property of Municipal Commissioners. by the Commissioners from the roads, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Commissioners, who shall have power to sell and dispose of the same; and the money arising from the sale thereof shall form part of the Municipal Fund.

**145.** The Commissioners may cause any number of movable or fixed

Dust boxes in streets. dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in roads to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles.

**146.** The Commissioners shall from time to time fix the hours within

Removal of night-soil. which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed.

**147.** The Commissioners, or any officer

Inspection of drains, appointed by them for that purpose, may inspect all privies, drains, and cess-pools within any Municipality at any time between sunrise and sun-set, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit for the purpose of preventing or removing any nuisance arising from such privies drains, or cess-pools.

**148.** All public streams, channels, water-

All public streams, &c., to be under direction and control of the Commissioners. courses, tanks, reservoirs, springs, and wells in any town shall, for the purposes of this Act, be under the direction and control of the Commissioners.

**149.** The Commissioners shall have power

Bathing places, &c. to set apart a sufficient number of convenient tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

**150.** It shall be lawful for the Commiss-

Power to require un- wholesome tanks on private premises to be cleansed or drained. sioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off

and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their officers, and workmen, may enter such premises, and do all such necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the

owner of such premises so making default, and shall be recoverable as a debt due to the Commissioners.

**151.** Whenever any lands or premises being private property or within any private enclosure, appear to the Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with the due diligence, the Commissioners, their officers and workmen, may after forty-eight hours' notice, enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

**152.** The Commissioners may, from time to time, as they see fit, cleanse stagnant pools in open places, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

#### CHAPTER 2.

##### *Penalties.*

**153.** Whoever wilfully removes, obliterates, or alters names of streets, destroys any name or number affixed under section 141 of this Act, or under the provisions of any Act hereby repealed, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 20.

**154.** Whoever commits any nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen, or stable refuse or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar, or other rubbish, in any road or on the pavement or verandah of any house, or on any ground between the house and the road, or any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high water-mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**155.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any road or public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such road or highway, shall be liable to a fine not exceeding ten Rupees.

**156.** Whoever, being the occupier of a house within the limits of any Municipality, keeps or allows house not removing filth. to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

**157.** Whoever, being the owner or occupier of any house, building, or land within any Municipality, whether tenable or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

**158.** It shall also be lawful for the Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license, and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Commissioners, at any time, on giving one month's notice in writing, to cancel any license granted under this section.

**159.** Whoever throws or puts, or permits his servants to throw or put Throwing rubbish into any earth, dirt, or other sewers. filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**160.** Whoever, except as permitted by the Commissioners, bathes in bathing, &c. any public stream, channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

**161.** Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any road or public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offences during which the offence is continued.

#### CHAPTER 3.

##### *Conservancy works.*

**162.** The Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

**163.** It shall be lawful for the Commissioners to prescribe the form of privy which the owner or occupier of any house or building within the limits of the Municipality may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the Commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this section after written notice duly given by the Commissioners to such owner or occupier.

**164.** All public sewers, drains, and other works for conservancy existing in any Municipality at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Commissioners.

**165.** All public sewers, or other works for the improvement, or the conservancy hereafter required in any Municipality shall be constructed under the direction of the Commissioners, who shall be empowered to purchase any land necessary for such purpose from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed, for the acquisition of land for public purposes.

**166.** All branch drains, and all privies and cess-pools within any town, shall be under the survey and control of the Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Commissioners, the Commissioners shall cause such drain, privy, or cess-pool to be made efficient, or, if necessary, removed, and the expense of such removal or repair shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**167.** If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable as a debt due to the Commissioners.

#### CHAPTER 4.

##### *Obstructions in the road.*

**168.** Whoever builds any wall or erects or sets up any fence, rail, post Future obstructions in highway, or other obstruction or encroachment, in any road or public highway, or in or over any open drain, sewer, or aqueduct along the side of any such road or highway, shall be liable to a fine not exceeding one hundred Rupees: and the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

**169.** Whoever displaces, takes up, or makes any alteration in the pavement Taking up pavements. or other materials, or in the fences or posts of any road or public highway, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

**170.** The Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road or public highway, or obstructs, or projects or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such road or highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**171.** The Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any road or public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that

Removal of existing projection from houses. Notice of removal. Compensation when to be made. notice be given of such intended removal or alteration to the occupier of the house or building against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

**172.** Whenever any house or building, Houses projecting beyond line of highway, when taken down to be set back. part of which projects beyond the regular line of a road or public highway or beyond the front of the house or building on either

side thereof, shall be taken down in order to be re-built or altered, the Commissioners may require the same to be set back to, or towards the line of the road or highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

**173.** The Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any road or public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

**174.** It shall be lawful for the Commissioners, by a by-law to be made in manner hereinafter provided, to direct that the external roofs and walls of huts or other buildings about to be erected or renewed in or near any road or public highway shall not be made of grass, leaves, mats, or other such inflammable materials.

**175.** No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

**176.** If any house or other building, tank, well, or hole or other place, whether on public or private ground be, for want of sufficient repair or protection, dangerous to human beings, the Commissioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Commissioners, they may

cause the same to be taken down, secured, repaired, or protected, so as to prevent danger therefrom; and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Commissioners.

**177.** If, in any road any house, building Houses, &c., in a ruinous or wall, or anything affixed or dangerous state, thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice in writing to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time; and in default the Commissioners shall cause such repairs to be made or such buildings to be removed; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Commissioners.

**178.** Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or place, and such

work, alterations, or by the occupier of such house, place, or premises, or by the Commissioners, at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises, or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration, or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And provided also, that in case the rents issuing out of any such building, premises, or place belong to more persons than one, who are entitled to the same, either as being joint proprietors of such building, premises, or place, or as having intermediate and other interests therein, the cost of any work, alteration, or improvement as aforesaid payable by the owner, shall be borne by such persons in proportion to their respective interests, and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

**179.** The materials of any such house, building, wall, or other structure or any part of the ruined houses, &c., same which may be pulled down as provided in Section 176, may be sold by the Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any surplus of such sale shall on demand be restored to the owner of such house, building, or wall, and if unclaimed shall, after the lapse of twelve months, be carried to the credit of the Municipal Fund.

## CHAPTER 5.

*Regulation of certain offensive trades and of Burial and Burning Grounds.*

**180.** Within such limits as may for the purposes of this section be fixed by the Commissioners, no premises shall be newly used except under license from the Commissioners, for

Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Commissioners.  
any of the following purposes, namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or dépôt for hay, straw, wood, or coal; and whoever without a license uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

**181.** No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

No burial or burning place henceforth to be formed without leave of Government, or of Commissioners.

**182.** If, upon the evidence of competent persons, it shall appear to the Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

## CHAPTER 6.

*Vaccination and Inoculation.*

**183.** In any Municipality where the Lieutenant-Governor may consider that proper and sufficient arrangements have been made for the vaccination or inoculation with the cow-pox of the inhabitants thereof, the practice of inoculation shall be prohibited with effect from such date as may be notified by the Lieutenant-Governor at the time of the extension of this Chapter to such Municipality.

Operation of this chap. ter.  
**184.** Any person who shall thereafter produce, or attempt to produce, in any person, if inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing im-

pregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

**185.** If any person having been inoculated

Penalty for entering into any place, subject to this Act, without a proper certificate, before forty days from date of inoculation.  
with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the

town of Calcutta, or any other town or place to which such provision shall then be applicable, before the elapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

**186.** Whenever a Magistrate shall sentence an offender to fine under this Mode of procedure. Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

## PART X.—MUNICIPAL MARKETS.

**187.** It shall be lawful for the Municipal Commissioners to grant Power to grant licenses licenses for the use of any place as a market for the sale of meat, fish, fruit and vegetables within the Municipality.

**188.** Every license to be granted under the Duration of license, and provisions of this Act shall terms on which granted. be in force until the next ensuing the day therein named for the commencement thereof, and the said Municipal Commissioners shall grant such license whenever it shall be certified to them in writing, under the hand of the Vice-Chairman of the Municipal Commissioners, that such place is fit to be used as a market.

**189.** The Vice-Chairman, upon the application in writing of the owner of Vice-Chairman bound to certify fit places. any such place, shall certify under the preceding section, unless such place be defective as a market in drainage, ventilation, water-supply, or proper width of paths and ways therein.

**190.** Whoever wilfully or negligently permits any place within the limits Penalty on permitting unauthorized places to be aforesaid to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall, unless such place shall have been used as a market for the sale of similar articles at the time of the passing of this Act, be liable to a penalty not exceeding two hundred Rupees; and shall also be liable to a further penalty not exceeding fifty Rupees for every day during which the said offence shall be continued.

**191.** Whenever three convictions under the provisions of the next preceding section shall have been pronounced in respect of the same place, it shall be lawful for the

Magistrate, on the application of the Municipal Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale, meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable for each offence to a fine which may extend to ten Rupees.

**192.** The owner or lessee of every place within the limits aforesaid Present markets to be registered. at the time of the passing of this Act used as a market for the sale of meat, fish, fruit, or vegetables, shall, within six months of the passing of this Act, register, or cause to be registered, the same in a book to be kept for that purpose by the Municipal Commissioners at their office, in which shall be stated the name of the owner thereof, and of the lessee, the extent and boundary of the market, and the description of articles sold therein.

**193.** Such registration shall be made on the application in writing of Mode of registration. the owner or lessee, or some one of the owners or lessees thereof, and every such application shall contain the particulars hereinbefore required to be set out in the registration.

**194.** Every transfer of interest in any such market as last aforesaid Transfers to be registered. shall be in like manner registered within two months after the date of transfer.

**195.** Any market which, or the transfer of which, shall not be duly registered under the preceding sections shall be deemed to be a place not used as a market at the time of the passing of this Act.

**196.** The Municipal Commissioners may from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places within the said town for the purpose of being used as municipal markets, and may charge such rents, tolls and fees as to them may seem fit for the use of or right to expose goods for sale in such markets, and for the use of shops, stalls and standings therein.

**197.** All such rents, tolls, and fees which shall be imposed shall be recoverable by the Municipal Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provision of this Act.

**198.** It shall be lawful for the Commissioners to make bye-laws for the establishment and publication of a price-current by measure, weight, or tale of the articles sold in Municipal markets under this Act, and for prescribing the mode of sale of such articles.

**199.** It shall be lawful for the Municipal Commissioners to expel from any such market any person who or whose servants may be convicted of disobeying any such bye-law, and to prevent such person by himself or his servants

further carrying on any trade or business in such market, or occupying stalls or shops therein, and to determine any lease or tenure which such person may have in any such stall or shop.

#### PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES.

**200.** It shall be lawful for the Lieutenant-Governor to direct that any Jurisdiction of Commissioners. two or more Commissioners of any Municipality may exercise within the limits of such Municipality the powers of a Magistrate in respect of all or any of the offences under the following provisions of this Act, namely, Sections 69, 76, 77, 79, 84, 85, 86, 87, 88, 97, 117, 118, all the sections of Parts IX and X, and the rules and bye-laws which may be framed under any Section of this Act, and also in respect of all offences named in the Penal Code which may be triable under the Criminal Procedure Code by a subordinate magistrate of the first class. When such direction shall have been notified in the *Calcutta Gazette*, then any person accused of an offence, or liable to a penalty under or in pursuance of the above-mentioned provisions of this Act, shall be tried by a bench of not less than two Commissioners sitting together. With respect to any matter which may, under this section, be transferred to the jurisdiction of the Commissioners, the powers, duties, and authority of the Magistrate shall cease. Provided that if the Commissioners, or a bench of the Commissioners, refuse or omit to act under this section, the Magistrate may, with the sanction of the Commissioner of the Division, resume for such time as he may seem fit the functions transferred to the Commissioners under this section. It shall be competent to the Lieutenant-Governor to amend, modify, or recall any direction notified under this section. In case of difference of opinion between the members of a bench of Commissioners, the opinion of the majority shall prevail; when the numbers are equally divided, the opinion of the senior Commissioner shall prevail. The provisions of this section shall not be held to affect the appellate jurisdiction of the Magistrate of the district, under Chapter XXX of the Code of Criminal Procedure, or the powers of supervision vested in the Magistrate of the district by section 434 of the same Code.

**201.** It shall be lawful for the Commissioners at a meeting to make bye-laws for regulating the Bye-laws for Benches. rotation in which, and the place at which, the Commissioners shall sit to decide cases under the next foregoing section, and to assign from the Municipal Fund salaries to clerks and other servants who may be appointed by the Commissioners to serve in the courts of benches of Commissioners sitting under the next preceding section.

#### PART XII.

##### THIRD CLASS MUNICIPALITIES.

**202.** It shall be lawful for the Lieutenant-Governor to extend the Appointment of public chayats. provisions of this and the next succeeding Part to any place not being a I or II Class Municipality, and it shall be lawful for the Lieutenant-Governor to delegate the power of extending the said provisions to such officers as he may see

fit. After such extension shall have been notified the Magistrate of the district may by a writing under his hand and seal appoint not less than three and not more than five persons to be a punchayet in such place. Provided that no punchayet shall be appointed for any place in which there shall be less than sixty houses, and provided that no punchayet shall be appointed in any place, until a Magistrate shall, in personal communication with some of the residents of such town, have explained to them the general duties of a punchayet.

**203.** If two or more places containing together not less than eighty houses are so situate that some house in one of such places is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such places into a union, and for the purposes of this part such union shall be deemed to be a village.

**204.** It shall be lawful for the Magistrate of the district to permit or cause the election of a punchayet, under such rules as the Lieutenant-Governor may from time to time prescribe for any place, instead of appointing such punchayet under section 201 of this Act. The Magistrate of the district shall have power to accept resignations and to fill up vacancies in punchayets either by election or by appointment. Every member of a punchayet shall hold office until a successor be elected or appointed. But no person shall be eligible for membership of the punchayet of any place, unless he is a resident in such place, or the proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be eligible for membership unless he be resident within one mile from some part of such place.

**205.** Whenever the majority in number of the adult male residents in any place or in two or more places so situate as in section 202 is set forth shall by a writing signed by them apply to the Magistrate of the district for the appointment of a punchayet in such place or places, it shall be lawful for him to appoint a punchayet under this Part in such place or places without regard to the number of houses therein contained, and all the provisions of this Part shall apply to such punchayet and to such place or places.

**206.** It shall be lawful for the Magistrate of the district to declare by a writing under his hand and seal what shall be the limits of any Municipality constituted under this Part. But in any case where no such declaration is made, the limits of a Municipality under this Part shall be taken to be the boundaries of the area of the village or villages which constitute such Municipality.

**207.** It shall be lawful for the punchayet of any Municipality constituted under this Part to impose within the limits of such Municipality the tax described at section 31 clause (a) of this Act, provided that the average annual tax on each holding shall not exceed one rupee.

**208.** The assessment of the tax imposed under section 31 of this Act shall be made by the punchayet, subject as far as may be to the provisions

of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Part III, Chapter 2 of this Act in respect to Commissioners, provided that it shall not be necessary to send any list or notice of assessment under this part anywhere outside the place for which the assessments may be framed; and provided that any person dissatisfied with his assessment may appeal orally or in writing to the punchayet, who shall consider and decide finally on such appeal; and also that the Magistrate may call for the list of assessment of any village, and that he shall call for such list on the application of ten tax-payers of such villages, and may pass such orders on any such list as he may think fit.

**209.** Every punchayet shall appoint one of their number to receive and collect the tax, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to re-pay the costs of such collection.

**210.** The collecting member of the punchayet shall collect the tax due every quarter, following, as near as may be, the procedure laid down in sections 99, 100, 102, 104, 105, and 107 of Part IV of this Act, provided that the collecting member shall himself do all which must be done by the tax collector or by the Magistrate under the above-mentioned sections; and provided that the collecting member be not bound to make use of the forms prescribed in these sections, so long as any warrant of distress issued for tax due under this Part shall be in writing, and shall be under the hand of the collecting member.

**211.** Any person against whom distress may issue under the next foregoing section may, if he dispute his liability to the arrear demanded of him, apply to the Magistrate either orally or in writing, and the Magistrate, after hearing the applicant's statement and making such enquiry as he may see fit, shall pass such order as he may deem proper on the application.

**212.** The proceeds of the tax levied under this part, together with any fines realized under this Act, and any other sum which may become applicable for the purposes of this Act, shall constitute a fund which shall be called "The Village Fund;" and such fund shall be applicable to the payment of chowkeedars, and the balance after payment of chowkeedars shall be applicable to the supply of drinking water to the residents or to their cattle, to simple conservancy operations, and to the support of *patshalas* or village schools.

**213.** The punchayet of any place shall be bound to appoint such persons to be chowkeedars as they may deem fit, and to assign them salaries out of the Village Fund; provided that not more than one chowkeedar be appointed to every sixty houses, and that the salary of a chowkeedar be not less than three rupees a month, subject to reduction on account of the revenue due on any chakran lands enjoyed by such chowkeedar.

**214.** On the appointment of any chowkeedar Registry of chowkeedars by the police. the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in such station for the purpose of such registration, and shall report the same to the Magistrate.

**215.** It shall be lawful for the Magistrate if he Dismissal and fine of chowkeedars. see fit to dismiss any chowkeedar for misconduct or neglect of duty, and the punchayet shall thereupon appoint a successor. It shall be lawful for the punchayet to dismiss or fine to the extent of one month's salary any chowkeedar for neglect of duty or misconduct, provided that such chowkeedar may within sixty days appeal to the Magistrate against such dismissal or fine, and the Magistrate shall thereon make such enquiry and pass such order as he may see fit.

**216.** Every chowkeedar appointed under the Duties of chowkeedar. provisions of this Part shall perform the following duties:

(1) He shall give immediate information to the officer in charge of the police station within the limits of which the village is situate of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in the final section of this Part which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in the final section of this Part.

(3) He shall observe, and from time to time report to the officer in charge of the police station within the limits of which the village may be situate, the movements of all bad characters in such village.

(4) He shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood.

(5) He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote once in each week, or once in each fortnight as the Magistrate may direct. \*

(6) He shall supply any local information which the Magistrate or any officer of police may require.

(7) He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

**217.** Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

**218.** The punchayet shall exercise a general Control of chowkeedars by punchayet. control over the chowkeedars, and every member of such punchayet who may know or be informed of the commission within the village of any offence specified in the final section of this Part shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

**219.** Every chowkeedar shall receive, month by month, the full amount of his Mode of paying chowkeedars. salary from the member of the punchayet appointed to collect the tax.

**220.** Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar, and the Magistrate after hearing the punchayet shall pass such order as he may deem fit directing the punchayet or any member thereof to pay the chowkeedar's salary, or directing distraint of the property of the punchayet or any member thereof to the amount of the arrear due to the chowkeedar.

**221.** All powers vested in the punchayet for the appointment and dismissal of chowkeedars and for fixing the number of chowkeedars Powers of punchayet may be exercised by the Magistrate. to be appointed and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorise on that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same, and the Magistrate shall be bound to enquire into any matter concerning the due observance of the provisions of this part in any village whenever ten adult tax-payers may make a representation to the effect that the punchayet's proceedings require supervision or amendment.

**222.** The punchayet shall be bound to affix once in every quarter on a conspicuous place in the village, or in each village of their circuit, an account of the receipts and expenditure of the quarter next preceding. Any ten adult tax-payers of the village may, if the accounts are not published, or if they are dissatisfied with such accounts, make a representation to the Magistrate who shall be bound to supervise the same.

**223.** It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a punchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality. All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be applicable.

**PART XIII.**  
**MISCELLANEOUS.**

**224.** Every bill, notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax or any money due in respect of the same, may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served.

**Proviso.** Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

**225.** No assessment, and no charge or demand of a rate or tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

**226.** No distress-levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

**227.** Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges receivable under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

**228.** The Commissioners may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants, under this Act.

**229.** It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation herein-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

**230.** No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

**231.** All bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

**232.** No action shall be brought against the Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

**233.** The Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

**234.** All the proceedings of the Magistrate of district and Commissioner of division respectively, subject to control of Lieutenant-Governor, the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

| Parties and carrying out the other provisions. |                      |                         |                                 |
|--|----------------------|-------------------------|---------------------------------|
| Property occupied.                             | Name of occupant(s). | Profession or business. | Amount of quarterly assessment. |
|  |                      |                         |                                 |

Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of ( ) and every subsequent payment on or before the first day of ( ) the first day of ( ), and the first day ( ), or in default thereof, any arrear that may be due will be realized by distress and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
*Magistrate of \_\_\_\_\_*

SCHEDULE C.—(REFERRED TO IN SECTION 58.)

### *Tax on Carriages, Horses, and Elephants.*

Rs. p. quarter.

|  |   |    |
|--|---|----|
| For every 4-wheeled carriage on springs<br>drawn by two horses   | 4 | 8  |
| For every 4-wheeled carriage on springs<br>drawn by one horse or pony, or a pair<br>of ponies under thirteen hands                     | 1 | 8  |
| For every 4-wheeled carriage without<br>springs  | 1 | 8  |
| For every 2-wheeled carriage on springs  | 2 | 4  |
| For every 2-wheeled carriage without<br>springs, drawn by a horse, pony, or<br>mule  | 0 | 12 |
| For every horse  | 2 | 4  |
| For every pony under thirteen hands or<br>mule   | 0 | 12 |
| For every elephant   | 6 | 0  |
| Ponies under eleven hands, and children's car-<br>riages the wheels of which do not exceed twenty-<br>four inches in diameter, exempt. |   |    |

**SCHEDULE B (referred to in section 86)**

### NOTICE OF ASSESSMENT

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other

### ferred to in Section

## on Professions, Trades, and

**CLASS I.**

2255 24

Yearly.

Rs.

Every Joint-Stock Company ... ... 100

## CLASS II.

|   |        |
|---|--------|
| Every Merchant, Banker, Shroff, Banian, wholesale Trader, and Commission Agent, and every practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court ... | Rs. 50 |
| Every owner or farmer of a bâti or bazaar.  |        |
| Every owner of Cotton, Jute, Hide, or other Screws and every Auctioneer ...   |        |

## CLASS III.

|  |        |
|--|--------|
| Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight.  | Rs. 25 |
| Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon ...  |        |
| Every keeper of a Spirit-shop, Punch-house or Billiard room, wholesale Tobacco or Jute Dépôt ...   |        |
| Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is assessed under Section at more than 250 or less than 100 Rupees a month ... | 25     |
| Every Pawn-broker, and every person having a shop or place of business registered under Section ...  |        |
| Every Pleader, Mooktear, or Law Agent, not included in Class II. ...   |        |

## CLASS IV.

|   |        |
|---|--------|
| Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is kept in a brick-house, but not included in Class II. or Class III. | Rs. 12 |
| Every keeper of a permanent stall at a daily public market or in a chouk ...  |        |
| Every Poddar or Money-changer ...   |        |
| Every Hakeem, Koberaj, and Native Doctor, not included in any other Class ...   |        |

## CLASS V.

|   |   |
|---|---|
| Every keeper of a shop not included in any other Class, and every Daloll not included in Class III. ... | 1 |
| Every Pedlar, Hawker, Box-wallah, and keeper of a shop at a periodical market or bâti ...               | 4 |

## CLASS VI.

|  |   |
|--|---|
| All other itinerant dealers and keepers of stalls at periodical markets or bâtis ... | 1 |
|--|---|

**NOTE.**—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

## SCHEDULE E.

(REFERRED TO IN SECTION 91.)

*Maximum rates of tolls payable on entering the municipal limits.*

|   | Rs. As. P. |
|---|------------|
| On every four-wheeled carriage on springs ...   | 0 8 0      |
| Ditto two-wheeled ditto ...   | 0 4 0      |
| On every cart, hackery on springs, or cart drawn by men, buffaloes, bullocks, horses, ponies, asses, or mules laden ... | 0 4 0      |
| Ditto ditto not laden ...   | 0 2 0      |
| On every buffalo or bullock laden ...   | 0 1 0      |
| Ditto horse laden or ridden ...   | 0 2 0      |
| Ditto ditto not laden or ridden ...   | 0 1 0      |
| Ditto pony or ass laden or ridden   | 0 1 0      |
| Ditto elephant ditto ...  | 1 0 0      |
| Ditto camel ...   | 0 4 0      |

## SCHEDULE F.

FORM A.—(REFERRED TO IN SECTION 104.)

*Notice of Demand.**Municipality of ( )*  
To

Take notice that the sum of Rs. being the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the office of , the same with costs will be levied by distress and sale of your goods and chattels.

(Sd.)

*Magistrate of*

FORM B.—(REFERRED TO IN SECTIONS 104 and 105.)

*Table of Fees payable upon distraint under this Act.*

| Sums distrained for      | Fee.    |
|--------------------------|---------|
|                          | Rs. As. |
| Under 1 Rupee ...        | 0 4     |
| 1 and under 5 Rupees ... | 0 8     |
| 5 " 10 "                 | 1 0     |
| 10 " 15 "                | 1 8     |
| 15 " 20 "                | 2 0     |
| 20 " 25 "                | 2 8     |
| 25 " 30 "                | 3 0     |
| 30 " 35 "                | 3 8     |
| 35 " 40 "                | 4 0     |
| 40 " 45 "                | 4 8     |
| 45 " 50 "                | 5 0     |
| 50 " 60 "                | 6 0     |
| 60 " 80 "                | 7 8     |
| 80 " 100 "               | 9 0     |
| Above 100 "              | 10 0    |

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM C.—(REFERRED TO IN SECTION 105.)

*Warrant of Distraint.*

To (here insert the name of the officer charged with the execution of the warrant.)

Whereas of  
has not paid or shown sufficient cause for the non-  
payment of the sum of Rupees due for  
rates (or taxes) or rates [and taxes] mentioned in  
the margin for the months of 18 ,  
although the said sum has been duly demanded in  
writing from the said , and ten days  
have elapsed since the service of the notice of  
demand: This is to command you to distrain the  
property of the said to the amount  
of the said sum of Rupees and such further  
sum as may be sufficient to defray the charges of  
taking, keeping, and selling such distress, and if  
within ten days next after such distress the  
said sum shall not be paid together with such  
further sum as may be sufficient to defray the  
charge of taking and keeping such distress, to  
sell the said property, and having paid and deduct-  
ed out of the proceeds of the sale the said sum of  
Rupees and the charges of taking, keeping, and  
selling such distress, to return the surplus (if any)  
on demand to the person whom you shall find in  
possession of the said property. If sufficient dis-  
tress cannot be found of the property of the said  
you are to certify the same to us together  
with this warrant.

(Signature of the Chairman)

*or Vice-Chairman.)*

**FORM D.—(REFERRED TO IN SECTION 105.)**  
*Form of Inventory and Notice (state particulars of goods seized).*

Take notice that I have this day seized the property specified in the above inventory for the sum of Rupees due for the rates (or taxes) mentioned in the margin for the months of 18 , and that unless you pay into the office of the Municipal Commissioners of the amount due, together with the costs of this distress within ten days from the day of the date of this notice, the property will be sold.

(Signature of the officer executing  
the warrant of distress.)

FORM E.—(REFERRED TO IN SECTION 105.)

### *Returns of Sales.*

| 1<br>District. | 2<br>Names of debtors. | 3<br>Amount of defalcation. | 4<br>Amount cost or penalty. | 5<br>Inventory of property seized under distress. | 6<br>Date of distress. | 7<br>Date of sale. | 8<br>Property sold. | 9<br>Amount realized on each article. | 10<br>Purchaser's name. | 11<br>Balance. |
|----------------|------------------------|-----------------------------|------------------------------|---|------------------------|--------------------|---------------------|---------------------------------------|-------------------------|----------------|
|----------------|------------------------|-----------------------------|------------------------------|---|------------------------|--------------------|---------------------|---------------------------------------|-------------------------|----------------|

**SCHEDULE G.—(referred to in Sections 115 and 116.)**

18

### *Births in the Municipality of*

SCHEDULE H.—(referred to in Sections 115 and 116.)  
 18 . *Deaths in the Municipality of*

| No. | When died. | Nationality or caste. | Name. | Sex. | Age. | Profession. | Cause of Death. | Signature, description, and residence of informant. | When registered. | Signature of Registrar. |
|-----|------------|-----------------------|-------|------|------|-------------|-----------------|---|------------------|-------------------------|
|     |            |                       |       |      |      |             |                 |   |                  |                         |

## STATEMENT OF OBJECTS AND REASONS.

THERE are at present four different laws, besides several amending Acts, under which municipalities in Bengal are administered. The present Bill has been framed with the view of consolidating these different enactments into a single law. Opportunity has been taken to enlarge the powers of Municipal Commissioners; to lay less municipal work and responsibility on the shoulders of Magistrates; to make Municipal Commissioners elective; and in other ways to afford more scope for municipal self-government. The Bill provides for three classes of municipalities; in two classes the governing body will be Municipal Commissioners, while the rural townships in the third class will be administered by panchayets. Municipal Commissioners will have power to adopt one or more of the ordinary forms of Indian municipal taxation, but for panchayets only one form of local taxation will be available. Municipal funds will be devoted to police and to ordinary municipal purposes; and it is proposed to permit of their expenditure

on the maintenance of education and on the relief of exceptional distress. Village funds in third class Municipalities shall, it is proposed, be applicable to the payment of chowkeydars, to the maintenance of *patshallas* or rural schools, and to the supply of drinking water. Power is taken for Government or its officers to intervene in cases where Municipal Commissioners or a panchayet may fail to maintain sufficient police, or where elementary education may not be available at reasonable cost. Provision is made for members of municipal bodies sitting for the trial of petty offences committed within the limits of their townships.

In respect of nuisances, of conservancy, of vaccination, of town markets, and such like matters, the Bill adopts the provisions of existing Municipal Acts.

C. BERNARD.

*The 9th December 1871.*

HERBERT COWELL,  
*Asst. Secy. to the Govt. of Bengal,*  
*Legislative Dept.*

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 27th January 1872, and was referred to a Select Committee, who are to report thereon within a fortnight:—

*A Bill to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.*

WHEREAS it is expedient to give to the Commissioners for making improvements in the port of Calcutta a like indemnity to that which is given to the East India Company by Section LXI of Act XXII of 1855; It is hereby enacted as follows:—

1. The said Commissioners shall not be answerable for any act or default of any Master Attendant, Harbour Master, or other Conservator of the said port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, done within the limits of the said port; nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel. Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

2. This Act shall be read with and taken as part of Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.

#### STATEMENT OF OBJECTS AND REASONS.

BEFORE the new Port Trust was created in 1870, Government managed the Port of Calcutta and enjoyed an indemnity in respect of the acts of its harbour officers and of damage resulting from defects in its moorings, hawsers, or other appliances. It is deemed by the Chamber of Commerce and by the Government better for the trade of Calcutta that the Port Commissioners should enjoy a similar indemnity. If they do not obtain this indemnity, they will have to maintain high port dues to cover their possible liabilities. The present Bill proposes to grant the Port Commissioners the required indemnity.

C. BERNARD.

*The 27th January 1872.*

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Department

#### Orders by the Lieutenant-Governor of Bengal.

##### Revenue and General Departments.

No. 392R.

##### APPOINTMENTS.

*The 20th February 1872.*—Moonshee Myjood-deen Ahmed to officiate temporarily as a Deputy Collector of Settlements in Midnapore, under the orders of Mr. James Catrall Price. He is vested with the powers of a Collector under Regulations VII. of 1822 and IX. of 1825.

*The 24th February 1872.*—Mr. William Macpherson to be a Magistrate and Collector of the First Grade.

✓ Mr. James Monro to be Magistrate and Collector of Jessor, in the Second Grade, but to continue to officiate as a Magistrate and Collector of the First Grade.

✓ Mr. William Kemble to be a Joint-Magistrate and Deputy Collector of the First Grade.

✓ Mr. Joseph Samuel Armstrong to be a Joint-Magistrate and Deputy Collector of the Second Grade, but to continue to officiate as a Joint-Magistrate and Deputy Collector of the First Grade.

✓ Mr. Villiers Thomas Taylor to be Magistrate and Collector of Bhaugulpore, in the First Grade.

✓ Mr. Alexander Smith, on furlough, to be Senior Superintendent of Survey.

✓ Mr. Henry Thoby Prinsep to be Magistrate and Collector of Pooree, but to continue to officiate as District and Sessions Judge of Hooghly, until further orders.

✓ Mr. Anthony Benn Falcon to be a Magistrate and Collector of the Second Grade, and to be Magistrate and Collector of Bogra.

The above eight appointments will take effect from the 1st instant.

✓ Mr. Steuart Colvin Bayley, Officiating Commissioner of Chittagong, to officiate as Commissioner of Revenue and Circuit of the Patna Division, during the absence, on leave, of Mr. Richard Palmer Jenkins, or until further orders.

Moulvie Syed Mahomed Israel, Deputy Magistrate and Deputy Collector of Sylhet, on leave, is transferred to Mymensing.

✓ Mr. Warren Hastings D'Oyly to officiate, in the Second Grade, as Magistrate and Deputy Collector of Howrah, as a temporary arrangement.

##### LEAVE OF ABSENCE.

*The 21st February 1872.*—Mr. Godfrey John Beehive Tuite Dalton, Officiating Joint-Magistrate and Deputy Collector of Bhaugulpore, is allowed furlough for two years, under Sections II and III of the Covenanted Service Absentee Rules.

✓ Mr. Henry Fillerup Campbell, Sub-Deputy Opium Agent of Futtehpore, is allowed leave of absence for one year, under paragraph 12, Clause 2 of the Uncovenanted Service Absentee Rules, together with fourteen days' preparatory leave from the 17th April next.

✓ *The 26th February 1872.*—Mr. Robert Douglas Hare, Extra Assistant Commissioner, Maunbhoom, for two months, under Section XIX. of the Covenanted Service Leave Rules.

H. L. DAMPIER.

Secy. to the Govt. of Bengal.

The following Notification issued by the Government of India, in the Home Department, is republished for general information:—

No. 920.—*Proclamation.—The 23rd February 1872.*—Whereas the death of the RIGHT HON'BLE THE EARL OF MAYO, K.P., G.M.S.I., has caused a vacancy in the office of Governor General of India; and whereas it has been provided by the 50th Section of the Act 24 & 25 Vic., Cap. 67, that "if any vacancy shall happen in the office of Governor General of India when no provisional successor shall be in India to supply such vacancy, then, and in every such case, the Governor of the Presidency of Fort St. George, or the Governor of the Presidency of Bombay, who shall have been first appointed to the office of Governor by His Majesty, shall

hold and execute the said office of Governor General of India, and Governor of the Presidency of Fort William in Bengal, until a successor shall arrive or until some person in India shall be duly appointed thereto; and whereas there is not in India any provisional successor to supply the vacancy in the office of Governor General of India, it is hereby proclaimed that HIS EXCELLENCY THE RIGHT HON'BLE FRANCIS BARON NAPIER OF MERICHTOUN, K.T., Governor of the Presidency of Fort St. George, has this day assumed the office of Viceroy and Governor General of India and Governor of the Presidency of Fort William in Bengal.

HIS EXCELLENCY BARON NAPIER OF MERICHTOUN, K.T., has this day taken the oaths and his seat in His Excellency's Council under a salute of twenty-one guns from the Ramparts of Fort William.

The following Orders issued by the Government of India, in the Home Department, are republished for general information:—

No. 917.—*Fort William, the 23rd February 1872.*—*Notifications.—Public.*—The foot note attached to Clause II of the Rules relating to the employment of Military Officers in the Civil and Political Departments, published in the Notification of this Department, No. 3101, dated 5th October 1864, is hereby cancelled.

No. 95.—*Fort William, the 19th February 1872.*—*Education.*—Under Section 12 of Act II of 1857, the Acting Governor General in Council authorizes the affiliation in Arts, up to the standard of the First Arts Examination, of the Metropolitan Institution, Calcutta, to the Calcutta University, with effect from the 1st ultimo.

The following Order issued by the Government of India, in the Military Department, is republished for general information:—

No. 184.—*Fort William, the 23rd February 1872.*—With reference to clause 4, paragraph 3, of the circular letter published in G.G.O. No. 274, dated 23rd March 1861, regarding the custody and condition of arms issued to Volunteer Corps in India, His Excellency the Governor General in Council is pleased to direct the addition to the above clause of the following rules as applicable to India:—

That in the event of a Commandant resigning command, an immediate report is to be made to Government of the name of his successor. With this report is to be forwarded a new receipt for the arms and accoutrements issued by Government to the Corps. Unless this Notification and new receipt is received, the Officer who signed the original receipt will still be held responsible for the condition of the arms; and should any on inspection be found injured or missing, steps will be taken to recover the amount from the signer of the original receipt. All arms and accoutrements issued to Volunteer Corps are to be inspected twice a year by an Officer deputed for this duty.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

#### NOTIFICATION.

The 23rd February 1872.—It is hereby notified that under the provisions of Section 5 of the Indian Registration Act VIII. of 1871, the Lieutenant-Governor has been pleased to form the following sub-districts in the district of Noakhali:—

A new sub-district, with Head-Quarters at Lakhipurah, shall comprise the Thannahs of Lakhipurah and Ramganj.

Another new sub-district, with Head-Quarters at Amirgaon, shall include the Thannahs of Amirgaon and Bamni.

This notification shall take effect on and from the 1st March 1872.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

*The 20th February 1872.*—Under the provisions of Section 88, Act V (B.C.) of 1870, (An Act to appoint Commissioners for making improvements in the Port of Calcutta), the following Bye-laws for landing and delivery of goods at the jetties, as proposed by the Commissioners, are published for general information:—

#### SECTION 2.

##### LANDING AND DELIVERY OF GOODS AT THE JETTIES.

##### BYE-LAWS.

1. The allotment of jetties shall be entirely at the discretion of the Commissioners, but as a general rule, vessels shall be accommodated in the order of their arrival off the jetties. Vessels discharging or loading at the jetties shall move from one jetty to another when ordered.

2. Masters of vessels about to discharge at the jetties, shall not break bulk until a copy of the manifest, or the Master's copies of the bills of lading have been deposited in the jetty office. The copies of the bills of lading, if deposited, shall be returned after discharge of the inward cargo.

3. Ships lying at the jetties shall not discharge cargo into boats if such cargo is to be subsequently landed on the Calcutta bank of the river, between Chitpore Canal and Tolly's Nullah.

4. Packages of cargo shall be slung in the hatchway, and under no circumstances whatever shall the cranes be employed in breaking out cargo or removing it from under the combings.

5. Single packages over three tons shall not be hoisted until the correct weight shall have been ascertained; and when packages weighing more than three tons are being hoisted, the Superintendent of the cranes shall invariably be present.

6. Masters of vessels shall furnish special notice to the shed officers before landing packages containing articles liable to ignition or explosion, or which are otherwise dangerous.

7. Packages shall not be opened for appraisement except in the presence of the consignee or his representative, and under an application to the shed officer from the appraiser endorsed on the bill of entry.

8. No person shall remove from the wharf any goods other than those covered by the customs bill of entry and the jetty challan. In the event of any person removing goods not covered by such documents, the Commissioners may detain any goods of such person until all questions connected with the erroneous removal shall have been adjusted, and all monies due to the Commissioners paid.

9. Smoking, and the use of any unprotected fire or light, in any office, shed, or warehouse within the jetty enclosure, is strictly prohibited.

Smoking prohibited under penalty.

10. Excepting persons passing to and from ships lying at the jetties, no person shall be allowed inside the jetty enclosure after twilight.

Persons not to remain in the jetties after twilight.

11. No person, unless duly permitted by the Commissioners, shall take inside the jetty premises carpenters' tools, or other instruments used for opening cases, and no cooper shall be allowed to work in the sheds without a license from the Commissioners.

Carpenters' tools not to be taken into the compound without permission.

12. Any person committing an infringement of any of the foregoing byelaws, shall be liable for the first offence to a fine not exceeding Rs. 100, and for a continuance of that offence after notice shall have been given him by the Commissioners of his having committed the offence, to a further fine of Rs. 50 per day.

13. Goods landed at the jetties shall only be delivered on production of bills of lading to be produced before delivery.

from the Master or Agents of the vessel, and no delivery orders, unsupported by the bills of lading, will be accepted.

14. When discharging iron, drainage pipes, or other goods, which from Consignments of metals to be kept separate.

their want of description or want of proper distinguishing marks, there will be difficulty in delivering correctly to consignees, the Master of the vessel shall separate before landing, or in course of landing, the various marks and consignments, failing which the Commissioners will refuse to receive the goods.

15. Packages containing jewellery, precious stones, or specie shall be taken delivery of by consignees direct from the jetties as soon as they are landed, as the Commissioners undertake no risk in respect of such packages.

16. All goods trans-shipped from one vessel to another without being Trans-shipment of goods.

landed, and without the assistance of the jetty cranes, are exempted from all charges, provided notice of trans-shipment is given by consignees or vessel's agents to the jetty superintendent immediately after the vessel hauls alongside a jetty to discharge. If goods for trans-shipment are landed on the jetties, they will be allowed to remain in the sheds free of wharf-rent for five clear running days.

17. The Commissioners shall not be responsible for damage by chafage, salt-water or oil, nor for any damage done in course of landing, except such damage as may be caused by carelessness on the part of the Commissioners' servants or failure in the jetty appliances, nor for any loss resulting from fire in the jetty sheds or enclosure.

18. Masters of vessels shall be responsible for the proper slinging of cargo, Commissioners not responsible in the matter of slinging cargo, and directing the crane drivers when discharging or loading.

19. The special sanction of the Commissioners shall be necessary to work jetties with respect to regular hours, and on Sundays and authorized holidays, and no overtime work shall be performed by any of the servants of the Commissioners, without permission. In order to facilitate the discharge of vessels, they will be allowed to work on holidays, so long as accommodation can be conveniently provided for cargo in the jetty sheds, on payment of double jetty hire, and the usual overtime fees to the establishments employed.

20. The sanctioned holidays recognised by the Commissioners shall be—

|                           |     |     |        |
|---------------------------|-----|-----|--------|
| New year's day            | ... | ... | 1 day. |
| Sree Punchoomy            | ... | ... | 1 "    |
| Good Friday               | ... | ... | 1 "    |
| Queen's Birth-day         | ... | ... | 1 "    |
| Doorga and Luckhee Poojah | ... | 12  | "      |
| Kally Poojah              | ... | 1   | "      |
| Juggodhatree Poojah       | ... | 1   | "      |
| Christmas                 | ... | 2   | "      |

20 days.

21. Working hours shall be from 7 A.M. to 4 P.M. Working hours. All fees for overtime work, and for working on holidays, shall be regulated by the sanctioned pay of each employé. The rule shall be one-and-a-half hour's pay for one hour's work—working days being calculated at 26 days in the month—and for holidays or part of a holiday, one day's pay. All fees for overtime work shall be paid to the Commissioners.

22. Two clear days, exclusive of Sundays and the holidays recognized by the Commissioners, shall be allowed to consignees for the removal of goods.

23. Consignees applying for delivery of goods shall fill up the jetty challan showing the quantities, weights or measurements, and the landing charges payable thereon. This form, accompanied by the Custom House bill of entry, shall be presented at the office of the Commissioners, where the amount of the landing charges will be received, and a receipt granted in original and duplicate if required. The jetty challan, accompanied by the bill of lading and a delivery order from the Master or Agents of the vessel, shall then be handed to the shed officer, who will examine the document, and on being satisfied that they are in order, will grant delivery and authorise the gate officer to pass the goods.

24. The opening of any package for appraisement, without the condition of the package being previously questioned, shall be considered as delivery of the goods by the Commissioners to the consignee, and no claim for damage subsequently discovered shall be admitted.

25. Permission for consignees from the Collector of Customs to open packages shall be countersigned by the superintendent countersigned by the of the jetties, and the opening jetty superintendent of such packages without their

condition being questioned shall be considered as delivery by the Commissioners, and no claim for damage subsequently discovered shall be admitted.

26. Packages which have been opened for appraisement, or by permission of the Collector of Customs, shall lie at the risk and expense of the owner, consignee, or agent.

27. Damaged goods for which a claim is brought against the ship shall not be charged wharf-rent until the fourth day after landing, provided notice of survey is given to the jetty superintendent within forty-eight hours after the goods have been received from the ship.

28. Goods taken delivery of but not removed from the jetty compound, shall lie at the risk of the owner, consignee, or agent.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

Judicial and Political Departments.

No. 273J.

APPOINTMENTS.

*The 16th February 1872.*—Baboo Mohendronath Hazra to officiate in charge of the office of District Superintendent of Police, Midnapore, during the absence, on leave, of Mr. William Parry Davis, or until further orders.

*The 23rd February 1872.*—Mr. Henry Cockburn Richardson to officiate temporarily as District and Sessions Judge of Bhangulpore, from the date on which Mr. Henry Robarts Madocks may make over charge to him.

Mr. Samuel Wauchope, c.b., is appointed to officiate as Commissioner of Police for the town of Calcutta and its Suburbs as a special and temporary arrangement, the Commissioner being relieved of his Police duties, except so far as concerns the conservancy of the town and any other arrangements necessarily connected with the office of Chairman of the Justices held by him. Mr. Wauchope is vested with the powers of a Magistrate of Police, Calcutta, under Section 6, Act IV (B.C.) of 1866, and Act XXI of 1864, and also with the powers of a Magistrate under the Criminal Procedure Code in the District of the 24-Pergunnahs, to be exercised within the limits of the Suburbs of Calcutta as defined by the Notification issued on the 17th October 1867, under the provisions of Section 1, Act II. (B.C.) of 1866.

Lord Henry Ulick Browne is appointed to officiate as Chairman of the Justices for the town of Calcutta, and Commissioner of Police for that town and its Suburbs, subject to the temporary

appointment of Mr. S. Wauchope, c.b., to perform most of the duties of the latter office, during the absence, on leave, of Mr. Stuart Saunders Hogg, or until further orders. Lord Ulick Browne is also appointed to be a Municipal Commissioner for the Suburbs of Calcutta.

*The 24th February 1872.*—Mr. John Mangles Lewis to officiate as Additional Judge of Hooghly, as a temporary arrangement, in consequence of the departure of Mr. S. Wauchope, c.b.

Mr. Edward Grey, officiating District and Sessions Judge of Moorshedabad, to be District and Sessions Judge of that District, with effect from the 1st instant.

Mr. Edward Drummond to be District and Sessions Judge of Purneah, with effect from the 1st instant, but to continue to officiate, until further orders, as District and Sessions Judge of Tirhoot.

Mr. Henry Muspratt to officiate as District and Sessions Judge of Rungpore, during the absence, on duty, of Mr. Henry Cockburn Richardson, or until further orders.

Mr. Charles Edward Bernard to officiate as Secretary to the Government of Bengal, until the return from leave of Mr. Augustus Rivers Thompson, or until further orders.

Mr. Thomas Guyther Charles to be a Municipal Commissioner for the town of Durbhunganah.

*The 26th February 1872.*—Mr. Arthur Levien to officiate as Additional Judge of Chittagong and Dacca, during the absence, on leave, of Mr. Henry Bruce Simson, or until further orders.

The Sub-Assistant Surgeons in charge of the Charitable Dispensaries at the following Stations are appointed to be ex-officio Medical Examiners of Laborers, under Section 22, Act II. (B.C.) of 1870, *viz.*—

Rajmehal.  
Baraset.  
Satkhira.  
Serajgunge.  
Cutwa.  
Durbhanga.  
Seetamurree.  
Palamow.  
Sherghatty.  
Kandi.  
Mudhoobance.  
Sasseram.  
Jehanabad.

LEAVE OF ABSENCE.

*The 16th February 1872.*—Mr. William Parry Davis, District Superintendent of Police, Midnapore, for six weeks, from the 17th instant, or any other date on which he made over charge, under Financial Notification No. 3622, dated the 22nd December 1865.

*The 23rd February 1872.*—Mr. Henry Robarts Madocks, Judge of Bhangulpore, is allowed subsidiary leave of absence for a period not exceeding thirty days, from the 1st proximo, or any other date on which he may be relieved, preparatory to proceeding to Europe on furlough, embarking at Bombay.

\* Mr. Henry Bruce Simson, Additional Judge of Chittagong and Dacca, for three months, from

the 1st proximo, under Section XIX. of the Covenanted Service Absentee Rules, subject to making the declaration required by Financial Notification No. 8463, dated 30th December 1871.

#### NOTIFICATIONS.

*The 19th February 1872.*—Her Majesty's Secretary of State for the Colonies has appointed Mr. H. A. Firth, Second Sub-Agent of Immigration in British Guiana, to be Emigration Agent for that Colony at Calcutta, *vice* Mr. W. J. Jeffrey, deceased.

*The 22nd February 1872.*—The orders of the 16th ultimo appointing Sub-Assistant Surgeon Aubinash Chunder Banerjee to have temporary Medical charge of the Sub-division of Cutwa, and of the Charitable Dispensary at that place, are cancelled.

*The 24th February 1872.*—The Lieutenant-Governor is pleased to accept the resignation tendered by Mr. Augustus Rivers Thompson of his seat in the Council of the Lieutenant-Governor of Bengal, for the purpose of making laws and regulations in the Bengal Division of the Presidency of Fort William.

The leave granted to Baboo Uday Chand Dutt, Civil Medical Officer of Noakhally, under orders of the 22nd ultimo, is cancelled at his own request.

A. MACKENZIE,  
*Junior Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*The 22nd February 1872.*—The following shall be the boundaries of Thannahs Mushruk, Bussuntpoor (late Tajpoor), Chupra, and Pursa, in Zillah Sarun, in lieu of those described in the Notification of the 10th June 1865, at page 1068 of the *Calcutta Gazette* of the 14th idem:—

#### *Thannah Mushruk.*

The northern and eastern boundaries shall be the same as described in the Notification of the 10th June 1865.

The southern boundary shall also remain unaltered from the village of Molnapoor to that of Oosuree Kulan (detached). *Whence*—

The south-western and western boundary shall pass along the limits of the following villages, *viz.* Oosuree Kulan (detached), Oosuree Khoord, Byreca, Beekhura, Durwa, Dumra Beersowlee, Pursowlee, Shampooor, Gumruheca, Shumspoor, Semurce, Sonowlee, Dhowree Gopal, Buhceara, Buhrampoorgopee or Gopee, Bishoonpoora, Buhwaree, and Jungowlee; whence along the limits of Pergunnahs Goa and Murhul, up to the village of Salehpoor.

#### *Thannah Bussuntpoor (late Tajpoor).*

The northern and western boundaries shall accord with those of the sub-division from the village of Tilma Khoord to that of Pursahurnatund. *Whence*—

The southern boundary shall run along the limits of the following villages, *viz.* Pursahurnatund, Mutheebahungur, Dupnee, Kodur,

Bugowra Khas Nankar Bundobusteehat, Muderree Chuk, Julalpoor, Debee Boozoorg Mai Jungul, Pandypooora Akrowlee, Sudowlee, Bulwan, Sureea, Hurpoorgoianar, Khanpoora, Sookhteen, Dharpoor, Buhadoorpoor, Mukhdoompoor, Meerjuineela, Mirzapoor, Rajahpoor, Budurzumeen, Russoolpoor, Mectunpoora, Gopalpoor, Meerhatah, Bunkutpoor, Chuk Moonda, Mahmudpoor, Usli-o-Bhuwancenugur Dakhli, Ramputty Khas, Rampoorputtydeegur, and Buheera Mafee. *Whence*—

The eastern and north-eastern boundary shall be conterminous with the western boundary of Thannah Mushruk.

*Note*—The Police Station of Tajpore has been removed from Tajpore to Bussuntpoor.

#### *Thannah Chupra.*

On the north and north-east the boundary shall be conterminous with that of Thannahs Bussuntpoor and Mushruk, from the village of Dyalpoor to that of Khubsee; whence it shall pass along the villages of Khubsee, Bhutwnleca, and Peerowta; then along the limit of Pergunnah Ball to the village of Shahpoor; whence along the following villages, *viz.* Putra, Motecrajpooor, Oodheea, Kewanee, &c., Singhee Khoord-Bazeedpoor, Munkee or Singeeboozoorg, &c., Beebeepoor, Mitheepoor, &c., and Burecarpoor Kudna; and thence again along the limit of Pergunnah Ball to the village of Ramgudha. *Whence*—

On the east the boundary shall pass along the village of Mirzapoor, and then along the limits of Pergunnahs Ball and Cherand to the Ganges River.

On the south, the boundary shall accord with that of the zillah.

On the west, the boundary shall be conterminous with the eastern limit of Thannah Manjhee, from the village of Bhudpae Boozoorg, on the Gogra River, up to Dyalpoor.

*Note*—The Thannah of Goldingunge has been amalgamated with Thannah Chupra, and is now an outpost of the latter.

#### *Thannah Pursa.*

On the north, by Thannah Mushruk.

On the north-east and east, by the zillah boundary.

On the south, by Thannah Deegwara.

On the south-west and west, by Thannah Chupra.

*Note*—In the above description all villages and pergunnahs named as situated on the boundaries of thannahs are included in the limits of thannahs to which reference is being made.

A. MACKENZIE,  
*Junior Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*The 22nd February 1872.*—The Lieutenant-Governor is pleased to confirm the adoption by the Municipal Commissioners of Midnapore of the following additional Bye-laws:—

“ 60. Every person driving or being owner of any carriage, cart, or vehicle plying within the

limits of the town on a dark night shall cause such carriage, cart, or vehicle to be lighted.

Penalty for infringement not exceeding Rs. 2."

"30A. Every owner, occupier, or farmer of any bazar, hât or market shall, within fourteen days after receipt of notice from Commissioners, provide such latrines and urinals as in the opinion of the Commissioners may be necessary to secure the health and cleanliness of the bazar, hât or market aforesaid.

Penalty for infringement, Rs. 20; penalty for continued infringement after notice, Rs. 5 daily."

A. MACKENZIE,

*Junior Secy. to the Govt. of Bengal.*

The following Order issued by the Government of India, in the Home Department, is republished for general information:—

No. 831.—*Fort William, the 20th February 1872.*—*Notification.*—*Public.*—The Acting Governor General in Council is pleased to permit Sir Charles Parry Holhouse, Baronet, to resign Her Majesty's Bengal Service from the 27th December last.

The following Order issued by the Government of India, in the Military Department, is republished for general information:—

No. 168.—*Fort William, the 20th February 1872.*—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Surgeon-Major Joseph Fayer, M.D., C.S.I., of the Medical Department (Honorary Physician to Her Majesty), Professor of Surgery, Medical College, Calcutta, and ex-officio First Surgeon, College Hospital,—for two years, under the Regulations of 1868.

This cancels G. G. O. No. 39 of 1872.

A. MACKENZIE,

*Junior Secy. to the Govt. of Bengal.*

#### DECLARATION.

*The 10th February 1872.*—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, *viz.*, for straightening King's road at Pheeknah, Gowalaparah, in the town of Howrah, Pergunnah Paikan, Zillah Hooghly, it is hereby declared that, for the above purpose, a piece of land measuring, more or less, 2½ cottahs of standard measurement, bounded on the north and east by King's road; on the south by Pitamber Banerjee's tank; and on the west by Ramdhan Mall's house, is required within the aforesaid town of Howrah.

This Declaration is made, under the provisions of Section 6 of Act X of 1870, to all whom it may concern.

A. MACKENZIE,

*Junior Secy. to the Govt. of Bengal.*

#### DECLARATION.

*The 22nd February 1872.*—Whereas it appears to the Lieutenant-Governor of Bengal that land is needed to be taken up by the Government at the public expense, for a public purpose, *viz.*, for a site for the erection of a public latrine, it is hereby declared that, for the above purpose, a plot of land is required, measuring about eight cottahs, more or less, situated in Mohulla Bajaprotappore within the municipal limits of the town of Burdwan, and bounded as follows: *North*, by a tank, the property of Baboo Omachurn Sett; *South*, by paddy land, the property of Baboo Bindaban Chunder Roy; *East*, by the land of Baboo Omachurn Set; *West*, by the houses of Banessur Moodee and others.

This Declaration is made, under the provisions of Section 6 of Act X. of 1870, to all whom it may concern.

A. MACKENZIE,

*Junior Secy. to the Govt. of Bengal.*

#### Public Works Department,—Bengal.

#### ESTABLISHMENT.

No. 76.

*The 20th February 1872.*

*Transfer.*—Moonshee Golam Ahmed, Overseer, Third Grade, from the Cuttack to the Ramghur Division.

No. 77.

*Notifications.*—Mr. J. R. K. Williams, Local Assistant Engineer, Second Grade, joined the Sylhet Division on the 21st January 1872, afternoon.

No. 78.

Mr. R. O'Flaherty, Engineer Apprentice, joined the Circular and Eastern Canals' Division on return from privilege leave on the 5th February 1872, afternoon.

No. 79.

*The 21st February 1872.*

*Transfer.*—Sub-Conductor W. J. Herdman, Supervisor, First Grade, from the Gya to the Ramghur Division.

No. 80.

*The 22nd February 1872.*

*Leave of absence.*—Baboo Chunder Nath Banerjee, Accountant, Third Grade, attached to the

First Presidency Division, for three months, on Medical Certificate, under Sections 11 and 20 of the revised Uncovenanted Service Absentee Regulations.

No. 81.

**Appointment.**—Mr. H. E. Medlicott, Probationary Accountant, Fourth Grade, attached to the Central Office of Accounts, Bengal, to officiate as Divisional Accountant of the First Presidency Division, during the absence of Baboo Chunder Nath Banerjee, or until further orders.

No. 82.

*The 23rd February 1872.*

**Resignation.**—Mr. L. Kalberer, Temporary Accountant, Fourth Grade, attached to the Central Office of Accounts, Bengal, resigned his appointment with effect from the 10th November 1871.

No. 83.

**Appointment.**—Mr. A. Kalberer is appointed as an Accountant, Fourth Grade, on probation, and posted to the Central Office of Accounts, Bengal, with effect from the 11th November 1871.

No. 84.

*The 24th February 1872.*

**Notification.**—Mr. F. Bond, Executive Engineer, First Grade, assumed charge of the Cuttack Division on the 12th February 1872, afternoon.

No. 85.

*The 26th February 1872.*

**Transfer.**—Baboo Poran Chunder Sain, Supervisor, Second Grade, from the Circular and Eastern Canals to the Dinaapore Division.

No. 86.

**Notification.**—The transfer of Baboo Dinonath Roy, Overseer, First Grade, from the Dum-Dum to the Behar Circle, notified in the orders No. 70, dated 17th February 1872, is cancelled.

H. LEONARD, C.E.,  
Offy. Secy. to the Govt. of Bengal,  
P. W. D.

IRRIGATION.

ESTABLISHMENT.

NOTIFICATION.

No. 50.

*The 26th February 1872.*

**Transfer.**—Mr. E. J. O'Neill, Sub-Engineer, Third Grade, from the Mahanuddy to the Byturnee Division.

No. 51.

**Appointments.**—The undermentioned men are, with the approval of the Governor-General in Council, appointed to the Irrigation Branch of the Public Works Department, Bengal, in the grades specified opposite their names:—

Mr. H. Herd, as Temporary Sub-Engineer, Third Grade.

Mr. H. Draper, as Temporary Supervisor, First Grade.

Mr. T. Phillips, as Temporary Supervisor, First Grade.

No. 52.

**Posting.**—Baboo Kallydoss Bhuttacharjee, Overseer, First Grade, to the Byturnee Division, which he joined on the forenoon of the 5th February 1872.

G. A. SEARLE, Lieut.-Col., S.C.,  
For Offy. Joint-Secy. to the Govt. of Bengal,  
in the P. W. D., Irrigation Branch.

### High Court Notices.

Circular Orders by the High Court of Judicature at Fort William in Bengal.

No. 6603.

From A. MACKENZIE, Esq., Junior Secy. to the Govt. of Bengal, to the Registrar of the High Court, (dated Fort William, the 28th December 1871.)

With reference to your letter No. 3953, dated 18th instant, and previous JUDICIAL DEPARTMENT. *Judicial.* correspondence on the subject, I am directed to say that, concurring in the views expressed by the

Hon'ble Judges of the High Court, the Lieutenant-Governor is pleased to lay down, as a general rule, that when the entertainment of an Additional Moonsiff is sanctioned, the District Judge will be at liberty, without reference to Government, to entertain for him an establishment on the same scale as that of other Moonsiffs, it being understood that the District Judges will always study economy and reduce the establishment according to their discretion, if advisable, in particular instances.

## CIRCULAR MEMO. No. 2.

Dated Calcutta, the 24th January 1872.

HIGH COURT, &c.,  
CIVIL SIDE.  
Present:  
The Hon'ble Louis S. Jackson,  
*Judge of the Court.*

Forwarded for the information and guidance of all District Judges subordinate to the High Court.

By order of the High Court,

F. B. PEACOCK,  
*Registrar.*

## No. 4.

To all Civil Authorities, Lower Provinces.—(dated Calcutta, the 5th February 1872.)

It has come to the knowledge of the Court that it is the practice in some districts for Moonsiffs to report, for the sanction of the Judge, orders passed by them directing local inquiries and to await such sanction before the inquiry is begun. The Court desires to point out that no such practice is enjoined by Circular Order No. 25, dated 25th August 1870. On the contrary, it is therein distinctly stated that the responsibility of ordering an inquiry under Section 180 of the Code of Civil Procedure, rests entirely with the Court before which the suit is pending.

2. The intention of Rule II of the above Circular which requires Subordinate Civil Courts issuing a commission of inquiry to submit a copy of the same to the Zillah Judge, was to afford the Zillah Judge an opportunity of satisfying himself that the general directions given in Rule I had been properly attended to, and not as in any way necessitating the Judge's sanction to the local or other inquiry before it could be commenced.

By order of the High Court,

F. B. PEACOCK,  
*Registrar.*

## No. 5.

To all District Judges and Judicial Commissioners.—(dated Calcutta, the 6th February 1872.)

DOUBTS having arisen as to the intention of the words "6th Column" in paragraph 12 of Circular Order No. 32, dated the 8th November 1870, the Court is pleased to declare that the column intended is the 6th of the narrow columns of Statement B. 10, namely, the column super-scribed "Decrees partially executed."

2. It was intended that that column should contain the cases in which execution was not complete; but was also not pending. It was meant to include both those in which there had been partial execution, and those in which no execution had resulted, though the proceedings had come to an end for the time being.

By order of the High Court,

F. B. PEACOCK,  
*Registrar.*

## Departmental Notices.

## Notification.

BABOO CHUNDER NARAIN SING, Deputy Collector, has been placed in charge of the Bancoorah Treasury, and is authorized to draw bills on other treasuries.

By order,

KALI PUDDO MOOKERJEE,  
*Head Clerk.*  
For Pl. Asst. to Commr.

## Notification.

DEPUTY COLLECTOR BABOO RAMAKHOY CHATTERJEE has been placed in charge of the Midnapore Treasury, and is authorized to draw bills on other treasuries.

C. T. BUCKLAND,  
*Commissioner.*

COMMR.'S OFFICE, BURDWAN DIVN.,  
The 16th February 1872.

## Notice.

MOULVIE ABDUOL GHUFOOR, Deputy Collector, has been placed in charge of the Sylhet Treasury, and authorized to draw bills on all other treasuries.

F. B. SIMSON,  
*Commissioner.*

DACCA COMMR.'S OFFICE,  
The 12th February 1872.

## Notification.

DEPUTY COLLECTOR BABOO KALLY CHURN GHOSK has been placed in charge of the Alipore Treasury, and authorised to draw bills on other public treasuries.

H. COCKERELL,  
*Offy. Commissioner.*

COMMR.'S OFFICE, PRESIDENCY DIVN.,  
Calcutta, the 15th February 1872.

## Notification.

MR. EXTRA ASSISTANT COMMISSIONER J. B. SHADWELL has been placed in charge of the Treasury at Shillong, and is authorized to draw bills on other treasuries.

HENRY HOPKINSON,  
*Agent, Govr.-Genl., and Commr. of Assam.*  
GOWHATTY,  
The 23rd January 1872

**REVENUE AND EXPENDITURE—BENGAL.**  
*The following are the receipts into, and payments out of, the Treasuries in Bengal between 1st April and 31st December 1871.*

**Orders by the Vice-Chancellor and Syndicate of the Calcutta University.**

The under-mentioned Graduates have passed the examination for Honors in Arts:—

**E N G L I S H.**

**F I R S T C L A S S.**

*In order of merit.*

Hukum Chand  
Brajendranath De

- .. Delhi College.
- .. Canning College, Lucknow.

**S E C O N D C L A S S.**

*In order of merit.*

Ishānchandra Basu  
Rāmgopal Chakravarti  
Jogendranath Mukhopādhyāy  
Surendranath Sarkar  
Kunjavihari Gupta

- .. Presidency College.
- .. Ditto.
- .. Calcutta Free Church Institution.
- .. Presidency College.
- .. Ditto.

**T H I R D C L A S S.**

*In order of merit.*

Baishnaveharan Datta  
Balaichand Datta  
Avinashchandra Ghosh  
Adyanath Mukhopādhyāy

- .. Calcutta Free Church Institution.
- .. Presidency College.
- .. Ditto.
- .. Calcutta Free Church Institution.

**S A N S K R I T.**

**S E C O N D C L A S S.**

Sivnath Bhattacharyya

- .. Sanskrit College.

**H I S T O R Y.**

**T H I R D C L A S S.**

*In order of merit.*

Haricharan Mitra  
Birājkrishna Ghosh

- .. Presidency College.
- .. Ditto.

**M A T H E M A T I C S.**

**S E C O N D C L A S S.**

Sasibhushan Mukhopādhyāy

- .. Presidency College.

Baidyanath Basu

- .. Krishnaghur College.

**P H I L O S O P H Y.**

**F I R S T C L A S S.**

Jogendranath Ghosh

- .. Presidency College.

**P H Y S I C A L S C I E N C E.**

**T H I R D C L A S S.**

Gyanchandra Chaudhuri

- .. Presidency College.

The under-mentioned Graduates have passed the examination for the Degree of Master of Arts:—

*In alphabetical order.*

Bandyopādhyāy, Jogendranāth  
Datta, Ishānchandra  
Majumdar, Anandanāth  
Mukhopādhyāy, Kshetramohan  
Sen, Krishna Kumar  
Srirām

- .. Sanskrit College.
- .. General Assembly's Institution.
- .. Calcutta Free Church Institution.
- .. Presidency College.
- .. Calcutta Free Church Institution.
- .. Delhi College.

J. SUTCLIFFE,

Registrar.

CALCUTTA UNIVERSITY OFFICE,  
The 19th February 1872.

## Opium Notification.

No. 69C.

NOTICE is hereby given that the Third Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-room, No. 2, Bankshall Street, on Monday, the 4th March 1872, at 11 A.M., and will comprise 3,575 Chests, *viz.*—

| Chests.          |     |       |
|------------------|-----|-------|
| Behar Opium ...  | ... | 2,000 |
| Benares „ „      | ... | 1,575 |
| Total Chests ... | ... | 3,575 |

2. The general conditions of the sale now advertised will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th March respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Saturday, the 9th March 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Tuesday, the 19th March 1872.

4. In addition to the quantity above advertised for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates, should circumstances render it expedient to do so:—

| Dates.                                | Behar<br>about<br>Chests. | Benares<br>about<br>Chests. | Total<br>about<br>Chests. |
|---------------------------------------|---------------------------|-----------------------------|---------------------------|
| On or about Wednesday, 3rd April 1872 | 2,000                     | 1,575                       | 3,575                     |
| On or about Monday, 6th May           | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 8th June        | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 4th July        | 2,000                     | 1,575                       | 3,575                     |
| On or about Monday, 5th August        | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 5th Sept.       | 2,000                     | 1,575                       | 3,575                     |
| On or about Tuesday, 1st October      | 2,000                     | 1,575                       | 3,575                     |
| On or about Wednesday, 6th Nov.       | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 5th Dec.        | 2,000                     | 1,575                       | 3,575                     |
| Total Chests ...                      | 18,000                    | 14,175                      | 32,175                    |

By order of the Member in charge,

T. B. LANE,  
Secretary.BOARD OF REV., FORT WILLIAM,  
The 30th January 1872.

## Opium Notification.

No. 140C.

NOTICE is hereby given that the Fourth Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-room, No. 2, Banks-hall Street, on Wednesday, the 3rd April 1872, at 11 A.M., and will comprise 3,575 Chests, *viz.*—

|                   |     |       |
|-------------------|-----|-------|
| Behar Opium ...   | ... | 2,000 |
| Benares ditto ... | ... | 1,575 |
| Total Chests ...  | ... | 3,575 |

2. The general conditions of the sale now advertised will be the same as usual: they may

be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 8th and 18th April respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Monday, the 8th April 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Thursday, the 18th April 1872.

4. In addition to the quantity above advertised for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates should circumstances render it expedient to do so:—

| Dates.                            | Behar<br>about<br>Chests. | Benares<br>about<br>Chests. | Total<br>about<br>Chests. |
|-----------------------------------|---------------------------|-----------------------------|---------------------------|
| On or about Monday, 6th May 1872  | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 6th June „  | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 4th July „  | 2,000                     | 1,575                       | 3,575                     |
| On or about Monday, 5th Aug. „    | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 5th Sept. „ | 2,000                     | 1,575                       | 3,575                     |
| On or about Tuesday, 1st Oct. „   | 2,000                     | 1,575                       | 3,575                     |
| On or about Wednesday, 6th Nov. „ | 2,000                     | 1,575                       | 3,575                     |
| On or about Thursday, 5th Dec. „  | 2,000                     | 1,575                       | 3,575                     |
| Total chests ...                  | 16,000                    | 12,800                      | 28,800                    |

By order of the Member in charge.

T. B. LANE,  
Secretary.BOARD OF REV., FORT WILLIAM,  
The 26th February 1872.

Statement shewing the importation of Salt (private property) in bond and afloat on River Hooghly, subject to Customs' duty on the 16th February 1872.

|   | Government<br>Golahs. | Private<br>Golahs. | Afloat.  | Total.    |
|---|-----------------------|--------------------|----------|-----------|
|   | In Mds.               | In Mds.            | In Mds.  | In Mds.   |
| Liverpool Pungah ...  | 17,97,071             | 98,858             | 1,87,898 | 20,83,898 |
| French Kurkutch ...   | 2,402                 | .....              | 5,145    | 7,547     |
| Bonbay „ „  | 12,450                | .....              | 35,850   | 48,300    |
| Madras „ „  | 26,714                | .....              | .....    | 26,714    |
| Arabian and Persian<br>Gulf's Kurkutch<br>and Muscat Bock ... | 8,91,435              | ...                | 20,950   | 4,12,385  |
| Total ...   | 22,29,073             | 98,858             | 2,49,837 | 25,77,768 |

By order of the Board of Revenue, L.P.

J. D. MACLEAN,  
Deputy Collector of Customs.CALCUTTA CUSTOM HOUSE,  
The 20th February 1872.

## NOTICE.

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

| Date of Sale.  | Mark or Address of Packages.              | Ships.          |
|----------------|---|-----------------|
| 1872, Mar. 2nd | 2 Cases (empty) J M                       | ... Syria.      |
| " 2nd          | 1 Case, J S W                             | ... Khedive.    |
| " 9th          | 1 Parcel, A P                             | ... Chinsurah.  |
| " 9th          | 500 Boxes, [R M]                          | ... Krishna.    |
| " 9th          | 1,880 Boxes, [ ] I C                      | ... Ditto.      |
| " 9th          | 7 Boxes, no mark                          | ... Ditto.      |
| " 9th          | 1 Grindstone, C                           | ... Ditto.      |
| " 23rd         | 2 Boxes, M N                              | ... Mahratta.   |
| " 23rd         | 2 Cases, N. C. and Co.                    | ... Dacea.      |
| " 23rd         | { 11 Bars of Iron, }<br>8 Pieces ditto, } | ... Catheart.   |
| " 23rd         | 10 Cakes of Spelter, M                    | ... Ditto.      |
| " 9th          | 1 Case, M V, X O X                        | ... Hindoostan. |

CALCUTTA CUSTOMS,

E. D. LOCKWOOD, Deputy Collector of Customs.

The 26th February 1872.

## NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be sold for the realization of duty, wharf rent, and other charges, under Section 56 of Act VI. of 1863:—

| Date of Sale.  | Mark or Address of Packages.          | Ships.              |
|----------------|---------------------------------------|---------------------|
| 1872, Mar. 2nd | 20 Casks, [J S]                       | ... City of Madrid. |
| April 15th     | 2,289 broken pieces of Spelter, G B B | ... Gryte.          |
| " 15th         | 4,362 ditto ditto, T J L              | ... Ditto.          |
| " 15th         | 709 Cakes of Spelter, A I             | ... Ditto.          |
| " 15th         | 712 ditto ditto, M                    | ... Ditto.          |
| " 15th         | 84 Broken pieces of Spelter, no mark  | ... Ditto.          |
| " 27th         | 300 Cases, [J B B]                    | ... Antoinette.     |
| " 27th         | 6 Cases, (37) A. J. and Co.           | ... Ditto.          |
| " 21st         | 880 Plates of Spelter [RB, W]         | ... Ghazeepore.     |
| " 21st         | 15 Pieces of Spelter, mixed marks     | ... Ditto.          |

CALCUTTA CUSTOMS,

E. D. LOCKWOOD, Deputy Collector of Customs

The 26th February 1872.

## Notice

Is hereby given that a lot of waste land, consisting of about 718 acres, situated in Mouzah Tingrai, Mehal Tingrai, District of Luckimpore, Assam, and bounded as shown at the foot of this notice, has been applied for under the rules for the sale of unassessed lands in the Lower Provinces of Bengal (chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2.8 an acre on the 2nd day of May 1872, at the Office of the Deputy Commissioner of Luckimpore, Assam. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. C. S. CLARKE,  
Dy. Commr., Luckimpore.

DEBROOGURU DY. COMM'R'S OFFICE,  
The 3rd February 1872.

## LOT 1.

## Boundaries.

North—Tingrai Nuddee.  
South—Balijan Garden and a Path.  
East—Chapori.  
West—Tingrai Nuddee.

## Notice

Is hereby given that the undermentioned lot of waste land, estimated to consist of about 2,000 acres, more or less, situate in Mouzah Ekartolli, Mehal Deenjoz, in the district of Luckimpore, and bounded as shewn at the foot of this notice, has been applied for under the "Rules for the sale of unassessed land in the Lower Provinces of Bengal," (Chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 an acre, on the 2nd May of 1872, at the office of the Deputy Commissioner of Luckimpore. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. S. CLARKE,  
Deputy Commissioner.

DY. COMM'R'S OFFICE, LUCKIMPORE,  
The 1st February 1872.

## 1. LOT.

## Boundaries.

North—Maijan River.  
South—Sessa Nuddee and Ryotts' Basti lands.  
East—Nadooa Grant.  
West—Barra Bheel, Farlong Nuddee, and Ryotts' cultivated lands.

## Commissioners for making Improvements in the Port of Calcutta.

## NOTICE.

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

THE following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act :—

Date of removal  
to Import  
Warehouse.  
1872.

|               | No., mark, and description.       | Consignees.             | Ships.              |
|---------------|-----------------------------------|-------------------------|---------------------|
| Feb. 16th ... | 19 Cases, [A C D] J C S           | ... Order               | Agra.               |
| " 16th ...    | 3 Cases, A B C                    | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [A W N]                   | ... "                   | Ditto.              |
| " 16th ...    | 22 Packages, [C & M]              | ... "                   | Ditto.              |
| " 16th ...    | 8 Cases, C C & H                  | ... "                   | Ditto.              |
| " 16th ...    | 1 Sample, addressed               | ... Colvin, Cowie & Co. | Ditto.              |
| " 16th ...    | 4 Cases, C G                      | ... Hurry Dass Dutt     | Ditto.              |
| " 16th ...    | 2 Cases, [98] E D J               | ... Order               | Ditto.              |
| " 16th ...    | 1 Case, [92] E D J                | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, F H R                     | ... "                   | Ditto.              |
| " 16th ...    | 2 Cases, [G B D]                  | ... "                   | Ditto.              |
| " 16th ...    | 7 Packages, [J H C]               | ... "                   | Ditto.              |
| " 16th ...    | 22 Cases, [P] C D                 | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, T S & L S                 | ... "                   | Ditto.              |
| " 16th ...    | 2 Cases, [45] W J S               | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [27] W D                  | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [W. H. & Co.]             | ... "                   | Ditto.              |
| " 16th ...    | 6 Cases, W L A                    | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [X]                       | ... Almuty & Co.        | ...                 |
| " 16th ...    | 2 Cases, [A R] A. B. & Co.        | ... Order               | James C. Stevenson. |
| " 16th ...    | 3 Cases, [A N D] A. B. & Co.      | ... "                   | Ditto.              |
| " 16th ...    | 1 Parcel, H & M L                 | ... "                   | Ditto.              |
| " 16th ...    | 3 Cases, [31] A. B. & Co.         | ... "                   | Ditto.              |
| " 16th ...    | 4 Cases, B & D D                  | ... "                   | Ditto.              |
| " 16th ...    | 4 Packages, addressed             | ... Bonnerjee & Co.     | Ditto.              |
| " 16th ...    | 2 Cases, addressed                | ... Major Beynon        | Ditto.              |
| " 16th ...    | 8 Cases, [B D S] A B              | ... Allen Brothers      | Ditto.              |
| " 16th ...    | 2 Cases, B N S                    | ... Order               | Ditto.              |
| " 16th ...    | 2 Packages, C D T                 | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [A. D. M. B.] A. B. & Co. | ... "                   | Ditto.              |
| " 16th ...    | 1 Cask, F S T S S                 | ... "                   | Ditto.              |
| " 16th ...    | 8 Packages, [J J H C]             | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [J T C] F S W C           | ... "                   | Ditto.              |
| " 16th ...    | 5 Cases, [T J N]                  | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [J T C] F                 | ... "                   | Ditto.              |
| " 16th ...    | 2 Cases, E C                      | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, W T                       | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [J G M L]                 | ... "                   | Ditto.              |
| " 16th ...    | 3 Packages, [M A] A B             | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, addressed                 | ... H. D. Pearsall      | ...                 |
| " 16th ...    | 2 Cases, [G S S] or addressed     | ... George Smith        | Ditto.              |
| " 16th ...    | 1 Parcel, [S] C D                 | ... Order               | Ditto.              |
| " 16th ...    | 7 Cases [W J S]                   | ... "                   | Ditto.              |
| " 16th ...    | 1 Case [C L] A. B. & Co.          | ... "                   | Ditto.              |
| " 16th ...    | 1 Cask, [B. T. & Co.]             | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, [D B S] A B               | ... "                   | Ditto.              |
| " 16th ...    | 1 Case, F L, or addressed         | ... Grindlay & Co.      | Ditto.              |

CALCUTTA,  
The 26th February 1872.

W. D. BRUCE, Vice-Chairman.  
(1120-1)